

# OXFORD PLANNING COMMISSION

## MINUTES

**MARCH 3, 2009**

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, March 3, 2009 at 7:00 p.m., in the meeting room of the Oxford Town Office.

Other commission members in attendance were Don Silliman and Bernard Witter.

The minutes of the meeting of February 3, 2009 were approved and accepted as distributed.

The following building permits were approved in the town office:

#09-10      R-2      Waters United Methodist Church, 203 Market Street, install central heating and air conditioning system. Section 23.05 and 23.03.1.k.

The following building permits were reviewed by the commission:

#09-14      R-2      Alexander Von Bismarck, 202 Tred Avon Avenue, concrete 50' swimming pool constructed along side of home with 4' fence surrounding yard (Oxford white fence across house front and 20' down left side; commercial Carolina fence around rest of property). Mr. Von Bismarck was represented by Dan Bridges and Celeste Pyper, both from the Aqua Pool Company. Mr. Bridges explained to the commission that the owner was asking for a 50' length by 16' width "L" shaped pool with an overall depth of 4 feet and having an automatic pool cover. He added that the owner was asking for an medical exception from the 40' maximum length for a pool in order to swim laps for therapy. Mr. Silliman pointed out that the zoning ordinance states that the maximum length for a swimming pool is 40' and questioned why the applicant was even asking for a 50' length pool. Mr. Bridges responded that in the pool industry a lap pool begins with a 50' length. Mrs. Baker stated that if the owner wanted a 50' length pool he would have to seek a variance through the Board of Appeals who can either approve the request or not and who would also take into consideration the neighbor's views of the project. Mr. Witter asked what the reason was behind the "L" shape of the pool. Mr. Bridges responded that it was to serve as a dual function – one of which was for use as a lap pool and the other to serve as a social swim area. Some issues that were found concerning the permit included the following: 1) whether or not the overhangs of the house were shown on the plat, 2) the setback of the pool pump system which has to have the same setbacks as that of the principal

structure, and 3) how the fencing will be handled as it pertains to a shed that protrudes into a neighbor's yard. Mr. Bridges stated that he thought the overhangs of the house were shown on the plat, that the pool pump system could be moved further in to meet the required setbacks, and that the fencing would be addressed with the homeowner and that it could be pulled in further to accommodate the shed. Mrs. Baker explained to the Aqua Pool representatives that the pool, as it was drawn being at 50' in length, was running up against the maximum of soil one could move without having to secure a stormwater management plan. She advised the representatives that if the owner sticks with the 50' pool length they will also need to have a stormwater management plan and that the review process of such is not that simple. However, there is a simple erosion and sediment control plan that can be used if less than 100 cubic yards are to be disturbed which would be the result if the pool length were to be kept at the 40' maximum. In discussing the matter, Ms. Pyper stated that the owner could go along with having a pool 40' in length and produced the proper documentation for such. Mrs. Baker returned the plans showing the 50' long pool back to Mr. Bridges and Ms. Pyper and incorporated the new plans with the application. Mr. Silliman made a motion to approve the amended application for a 40' long, "L" shaped pool as described in the revised documents, making sure there is a 4' fence with self-latching hardware on the gates and that the pumps and filters are within the building envelope. The motion was seconded by Mr. Witter and unanimously carried with the notation that the office will get the new drawings and application showing a 40' long pool, new coverage calculations, and drawings showing the proposed fence on the plat.

- #09-12      R-2      Mr. and Mrs. Giovanni Salvo, 512 E. Strand, demolition of south and/or east wall to allow for removal of "Hod" from existing residence; restructure wood stud walls and replace existing aluminum clapboard to prior condition; raise house and put on new foundation. Mr. and Mrs. Salvo were represented by their architect, Jay Corvan. Mr. Corvan explained that the purpose of this permit was to seek permission to raise up the existing house and put under it a new foundation. Mrs. Baker mentioned that in January 2008 Mr. Corvan had talked with the Planning about putting in a new foundation. Mr. Corvan responded that at that time he and the owners did not know about the condition of the existing footings of the house. The other item the applicants are seeking to do is to remove a boating structure, known as the "Hod", from the house, which is to be given to the Richardson Maritime Museum to be made into a display. A piece of the "Hod" is attached to the outside wall and as such, some of it would have to be removed. Mr. Corvan stated that the outside wall would be replaced with exactly what is there but added that there

is an “opportunity there about what the ultimate condition will be.” Since the wall will have to be reframed, Mr. Corvan made his drawing to reflect three future windows and a door to replace a window that is there now. In asking for permission to lift the house and replace foundation, the owners would like the foundation to be 8" higher from what currently exists now. Mrs. Baker pointed out that the Salvo’s house is out of the floodplain as it exists. Mr. Corvan responded that it did not matter, that the point was to get a little more head room by raising the house. Mr. Silliman asked how the historic commission felt about the house being raised. Mr. Corvan responded that they settled for 8" and that the owners were happy about that. Mrs. Baker reminded Mr. Corvan what the Planning Commission had approved in the past with regards to the renovations and changes to this house. The new plans came back without the one element the Planning Commission was comfortable with and with ones they were not comfortable with, such as increasing the front porch and adding an additional structure to the basement side of the house. The plans also showed the building envelope line on the front as being on the property line. In order to show the building envelope line where it would be accurate, it needs to be the average of the setbacks of the neighbors, not including the homeowners property. The zoning ordinance states if one has a non-conformity, one cannot expand or enlarge it, and an increase in the front porch would be in violation as it would be doubling in size. Also, the HVAC units would have to be moved because they are currently being shown on the plat as being outside the building envelope. A similar situation arises by the addition of a new set of steps on the side where they butt up to the property line. In looking at the plans, Mrs. Baker noted that she did not see a lot of utility in those steps as the house is small and currently has two exists. Mrs. Baker also pointed out that along the back part of the house there is a deck that is currently considered pervious because it has slats, but with the changes that Mr. Corvan was proposing on making, the deck would become impervious. Because of changes in the Critical Area, Mrs. Baker did not know how this would impact the structure so the Planning Commission would have to send the plans to the Chesapeake Bay Critical Area Commission for review. Mrs. Baker added that the only thing the Planning Commission could do at this night’s meeting was to turn down the application because of the problems as noted. Mr. Corvan questioned why the Planning Commission had to get involved with the removal of the “Hod”. Mr. Silliman responded that permits were needed for demolitions. Mrs. Baker added that part of the demolition process, in this case, involved having to rebuild the outside and that the plans as shown will not work in theory.

Mr Corvan responded that he just wanted to get the project going, at least the removal of the "Hod." Mrs. Baker suggested that Mr. Corvan come back with a building permit that showed only the removal of the "Hod" and not all the other things he had showing on his set of plans. Mr. Silliman added that if he came back with a building permit to remove the cabin of the "Hod" from the structure and to replace the wall, he would have no objection to issuing a permit for that. Mrs. Baker added that the permit would also involve lifting the house and adding a new foundation, as well as taking out the "Hod", covering up the hole, and putting the outside vinyl siding back on the house. The commission members present were all comfortable with that idea. Mr. Corvan asked if this meant the Planning Commission could approve that at this night's meeting. Mr. Silliman responded that they had. Mrs. Baker added that if Mr. Corvan was to get the appropriate paperwork to the Administrator, Lillian Lord, the Planning Commission would be comfortable with her approving it. Other inconsistencies Mrs. Baker found of the plans included: 1) a note on page A-4 saying the former bay window was approved but, according to Mrs. Baker, it was never approved; and 2) Page A-4 states the existing deck is to remain in place with no change but that is inconsistent with pages ME-1 and A-3. Mr. Corvan asked if there was any reason to file for a variance if the house is to be raised 8" because in the past there was some question about this. Mrs. Baker responded that it did. Originally the commission had viewed lifting up the house and setting it back down as moving it, particularly if it came up in height. However, the town attorney advised the commission a house could be raised, to some degree. Mr. Corvan also stated he wanted to make sure the property was out of the floodplain to which the commission replied that it looked like the property was in zone C.

- #09-13      R-1      Mr. and Mrs. Harry Rhodes, 206 Bonfield Ave., 12' x 16' office/studio. In looking over the permit request, Mr. Silliman stated that he had been advised that the commission was interpreting side yard setbacks for corner lots incorrectly and that he needed an explanation as to why. Mrs. Baker stated that the town attorney is now advising the Planning Commission that if one has a corner lot one can come back 15' from a side yard instead of 25'. Mr. Silliman stated he was not comfortable with the setback issue pertaining to corner lots and asked if the town attorney could provide something in writing, as well as hearing what planning member Ted Lutkus' opinion was on the matter. It was agreed by all to defer this application and request that town attorney, David Thompson, attend the commission's April meeting or

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schedule a workshop in order to have clarification on this application as it related to the side yard and setbacks.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby  
Assistant Clerk