

## OXFORD PLANNING COMMISSION

### MINUTES

OCTOBER 6, 2009

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, October 6, 2009 at 7:30 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Theodore Lutkus, Donald Silliman, and Bernard Witter.

The minutes of the meeting of September 2, 2009 were approved and accepted as distributed.

The following building permits were approved in the town office:

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|--------|-----|---|
| #09-53 | R-1 | Joseph Cornett, 101 East Street, addition on east end of house. Sections 21.01, 21.05, 33.06.4, and 8.04.3b.  |
| #09-54 | R-1 | Mr. and Mrs. E. Scott Shuler, 205 Bonfield Ave., addition with attached garage. Sections 21.01.1, 21.05, and 33.06.   |
| #09-56 | R-2 | Eleanor Blaney, 109 South St., addition to existing porch area on side of house. Section 23.01.1.   |
| #09-57 | R-2 | Richard Leedy, 215 S. Morris St., 34" black wrought iron fence. Section 32.12. To Historic District Commission.   |
| #09-58 | R-2 | Peter Rouse, 208 South St., use existing accessory structure as bed and bathroom; reframe roof on rear of structure. Sections 23.03.1a, m. To Historic District Commission. |

There were no building permits for review by the Planning Commission.

Mr. and Mrs. Elden Hartshorn, property owners of 400 S. Morris Street, met with the commission to discuss their desire to go before the Board of Appeals to seek a variance in order to convert their existing downstairs den to a bedroom with an attached, new, wheel-chair accessible bathroom. The Hartshorns explained to the commission that they are hoping to remain in Oxford for as long as they can as opposed to entering a retirement home by having their main living area in the downstairs portion of their home. Mrs. Baker pointed out to the commission that the Hartshorn's lot is a very small one coming in at 3,575 sq. ft. and allowing for only 1,430 sq. ft. of coverage. The requested addition of the bathroom would put their coverage over by approximately 104 sq. ft. Mr. Silliman questioned Mr. Hartshorn about a shed he has on his property and asked if he could take it down. Mr. Hartshorn replied that he did not want to take down his shed as it was an asset to the property. Mrs. Baker read aloud from the zoning ordinance the reasons for which a variance could be granted. These include: 1)" special

conditions and circumstances that exist which are not caused by actions of the applicant but which are peculiar to the land, structure, or building involved and are not generally applicable to other land, structures, or buildings in the same district” and 2) “that a literal interpretation of the provisions of the ordinance would deprive the applicant the rights commonly enjoyed by other property owners in the same district under the terms of the ordinance”. Mr. Lutkus spoke stating that while the commission could appreciate the reason why Mr. and Mrs. Hartshorn wanted to add on to their home and for good reason, this would be something that they would be creating on their own which Mr. Lutkus thought would not warrant a variance. He added that after the Hartshorns moved out of their house one day, the house would be in violation of the coverage and someone else would be there without the good reasons Mr. and Mrs. Hartshorn were giving. Mr. Silliman suggested that another way to solve the problem would be to reduce the size of the existing shed. Mrs. Hartshorn responded that they were not going to do that. Mr. Witter, on the other hand, thought that the argument could be made in favor of some form of variance because this was a very unusually small lot in which there were some mitigating circumstances. Mrs. Baker stated she would feel comfortable making a recommendation to the Board of Appeals, explaining to the Hartshorns that the board could either go with the Planning Commission’s recommendation or not go with it. Upon further reflection, Mr. Lutkus thought the commission would all like to give the Hartshorns a positive recommendation which he thought could be done based upon the unique character of the lot. Before making their recommendation, Mrs. Baker asked Mr. Hartshorn if they had enough of a setback to build the proposed addition on to their home. Mr. Hartshorn responded that the addition would still set them back about 9’ from the property line. Mr. Lutkus then made a motion for a favorable recommendation to be sent to the Board of Appeals for the additional proposed coverage based on the unique character of the lot. The motion was seconded by Mr. Witter and carried with one abstaining vote from Mr. Silliman.

#### **REQUEST FOR LOT LINE REVISION**

Mr. Simon Cooper met with the commission to discuss his plans to abandon the line that separates his property at 319 N. Morris Street from his adjacent vacant lot property facing S. Morris Street. The purpose would be to combine the two properties in order that Mr. Cooper would be able to add a stone patio onto his house and possibly to extend his existing garage in the future. Mr. Silliman made a motion to approve abandoning the lot lines as documented on the drawings presented to the commission. The motion was seconded by Mr. Witter and unanimously carried. Additional copies of the plats will be dropped off to Mrs. Lord at the town office.

The Planning Commission reviewed the following building permit:

- #09-61 R-1 Oxford Business Association, 26342 Oxford Road, “Welcome to Oxford” sign. The business association was represented by the OBA President, Susan Campbell. Mrs. Campbell explained to the commission that the association would like to place their welcome sign on Gretchen Fox’s property, located at

26342 Oxford Road. The welcome sign would be in front of Ms. Fox's restaurant sign. The sign would be 19 ½ sq. ft. with a separate events panel, measuring an additional 3 sq. ft., under the main sign that would be detachable. In going over the sign ordinance, the commission found that the sign measurements should be based upon the entire area of the sign with a single continuous perimeter. However, listed in Section 8.02 were some exceptions to the ordinance, one of which was "signs erected or posted and maintained for public safety and welfare." Mrs. Baker stated that she felt this sign would be acting in the interest of public welfare because it would be good for the entire town. Mr. Silliman made a motion to accept the application as presented. The motion was seconded by Mr. Witter and unanimously carried with all in favor.

### **OXFORD ZONING MAP**

Town Attorney David Thompson presented to the commission the most recent draft of the Oxford Zoning Map. The draft was the latest attempt to correct all the corrections that had previously been made. Attorney Thompson noted that one of the changes he had made was an area of town owned land located on the Strand and labeled as "C-3". The zoning of that area did not fit and since it is town controlled land for public purposes, Mr. Thompson thought it should be changed to EGS. Mr. Thompson asked if the members could look over the map within the next month or so. He also added that the Planning Commission has been given an extension to April 2010 to get the town's comprehensive plan completed.

Mrs. Baker informed the commission that after 5 years she was ready to retire and that this night's meeting would be her last meeting on the Oxford Planning Commission. She added that she had turned in her resignation to the town office on this day's date and that her resignation would become effective as of October 31. A brief discussion took place as to what should be done about the chairperson position. Mr. Silliman stated that he would not be available for the December meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby  
Assistant Clerk