OXFORD PLANNING COMMISSION

MINUTES

AUGUST 4, 2015

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, David Baker, on Tuesday, August 4, 2015, at 7:00 p.m. in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Steve Moroczek, Jim Reed, and Bruce Beglin.

The minutes of the meeting of July 7, 2015 were approved and accepted as distributed.

The following building permit was reviewed by the commission:

#15-38 Mr. and Mrs. Dan Cole, 303 Bonfield Avenue, 12' x 24' rear addition. Mr. Cole was present to discuss the application. Mr. Cole explained that he and his wife were looking to create more living space by moving and enlarging a small bathroom and bedroom within their house. He was aware that the proposed addition would not meet the required rear yard setback of 25', as he would only have 17', and added that he would like to obtain a variance. Mr. Baker pointed out that the Planning Commission could not approve a variance request, that the Oxford Zoning Ordinance allows no less than a 25' rear yard setback for properties within the R-1 zoning, and that the commission would have to disapprove the application. Mr. Mroczek added that the drawing Mr. Cole provided was misleading in that it showed proposed structures on his property that were, in fact, already there along with showing a vacant lot behind him that now has a fence surrounding it. Mr. Reed stated that he had a similar building permit application in the past similar to this request and that he did not see how it would adversely affect the surrounding property owners who would be notified anyway should the Coles decide to go before the Board of Appeals with their request. Mr. Reed made a motion that the Planning Commission deny the application based on the setbacks but to send the Board of Appeals a favorable recommendation. The motion was seconded by Mr. Baker and unanimously carried with all in favor.

This concluded the review of building permit applications.

CONSULTATIONS

A consultation was held with Jeff Hubbard, land surveyor with Lane Engineering, on behalf of William Thompson, property owner of 305 N. Morris Street. Mr. Hubbard presented the commission with a land survey of the Thompson property noting that the owner was in possession of two lots. He explained that Mr. Thompson bought the property back in 1986 and that there were two separate lots at that time. Mr. Hubbard asked for the commission's opinion on the properties. Mr. Baker explained that parcel #1 was 90' wide and did not present a problem. Parcel #2, however, was only 50' wide and would present a problem if the owner was looking to subdivide the property. Mr. Hubbard responded that was not correct, both he and Mr. Thompson believed that Mr. Thompson already had two separate lots as it had been that way for 150 years and that both lots were under common ownership. Mr. Baker referred to the Oxford Zoning Ordinance, **Section 9.01 – Non-Conforming Lots of Record**. Under that section it states, in part, "In any district within the corporate limits of Oxford in which single-family dwellings are

permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record prior to June 20, 1953, notwithstanding the limitations imposed by other provisions of this ordinance, subject to the requirements of this §9. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership." Mr. Baker elaborated that since parcel #1 and parcel #2 were owned by the same people in 1953, and since parcel # 2 at 50' wide does not meet the minimum zoning width for R2, the parcel could not be used as a standalone lot for a single family dwelling, therefor it would not be considered to be a buildable lot. Mr. Hubbard responded by asking if that would mean if it were sold, the new owner could not build on it? Mr. Baker responded that was correct. In addition, Mr. Baker referenced another paragraph in Section 9 that stated, in part, "If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established to lot width and area, the land involved shall not be used or sold in a manner which diminishes compliance with lot width and area requirements established by the ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance…." adding though, that if parcel # 2 was 60' wide it would meet the code and a lot line revision creating two lots with both at a width of 60 or more feet would create a second buildable lot. Mr. Hubbard acknowledged that this was a workable solution and asked again if the commission agreed that Mr. Thompson was in possession of two lots but that the one lot was not building as this time. Mr. Baker responded that was correct and that Parcel #2 just needed some extra footage in order to make it buildable.

A second consultation was held with Dirk and Paula VanValkenburgh, property owners at 301 Tilghman Street. The VanValkenburghs presented the commission with some plans they had had drawn up for an accessory building with some storage space on the second floor. The drawing they presented showed the accessory structure as being over 19' in height and within 2' of the rear and sideyard setbacks. The commission explained that accessory structures could only come within 2' of the side and rear yard setbacks if they were 16' or under and that the zoning ordinance does not allow a 19'+ accessory structure. The maximum height allowed for an accessory structure was 18' but to go up to that height one had to set the structure back a minimum of 6' from the side and rear yard lot lines. The Vanvalkenburghs asked about changing the design of their proposed structure so that it had a flat roof. The commission stated that this would be an item they would have to discuss with the HDC as their property was within the historic district. Mr. Baker added that the plans indicated the proposed accessory structure as having steps and reminded the owners they would have to keep in mind the setbacks as they would apply to the steps as well as the accessory building itself.

As a final note, Mr. Baker reminded the commission that they had approved the Oxford Laboratory plans for some new directional signs provided the Commissioners were in favor of the request since the signs would be located on town property. Administrator Lewis, who was in the audience, stated the Commissioners had done so and the permit was good to go. Mr. Reed made a motion that the Planning Commission approve the placement of the signs as previously submitted thanks to the Commissioners approving the location. The motion was seconded by Mr. Mroczek and unanimously carried with all in favor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk