

OXFORD PLANNING COMMISSION

MINUTES

DECEMBER 3, 2019

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, David Baker, on Tuesday, December 3, 2019, at 6:00 p.m. in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were James Reed, Steve Mroczek, and Edwin Miller.

The minutes of November 5, 2019 were approved and accepted as distributed.

REQUEST FOR LOT LINE REVISION

The commission revisited the revised lot line revision for the property belonging to Lucas deBeaufort as presented by his father-in-law, Andrew Beck. Mr. Beck explained that Administrator Cheryl Lewis had been working with them and found a deed to the 16' parcel of property owned by the town between the deBeaufort property at 100 Myrtle Avenue and the neighboring property at 102 Myrtle Avenue. Chairman Baker explained that this information would need to be shown on Mr. deBeaufort's part of the final plat for subdivision of his lot. Once that has been done and the proper number of copies made, Chairman Baker stated that he could sign off on the plats. He asked that Mr. Beck remind Mr. deBeaufort that the plat also needed to show the proper setbacks for the parcels and to keep in mind that every new house needed to have a parking space for at least one car on the property.

The following building permits were reviewed by the Planning Commission:

- #19-73, Herb Fredeking, 5012 Hel's Half Acre Road, revision to previously reviewed permit to replace 6' vinyl fence with 4' vinyl fence; keep two 6' tall sections in place that connect to the house; install 4' aluminum pool fencing with one double gate and one single gate. Eric Bridges, of Bridges Land Management, was present to discuss the application. Mr. Bridges explained that after the Oxford Planning Commission's review of Mr. Fredeking's application for a 6' fence on November 5, 2019, Mr. Fredeking agreed to revise his permit application by correcting the unauthorized 6' fencing on his property to the allowable height of 4'. Mr. Bridges noted that Mr. Fredeking was also asking for approval for two small sections of 6' fencing that have been attached to his house, which extend out approximately 6 feet, which are being used to block out the view of his electric meter. Chairman Baker noted that because these sections are attached to the house, the Planning Commission can view these as being part of the principal structure and therefore they can remain in place. However the remaining fencing must be brought down to a total height 4' and the requested aluminum fencing, to be used to surround the swimming pool area, must also not exceed 4' in height. Mr. Mroczek made a motion to accept the revised permit application as resubmitted. The motion was seconded by Mr. Miller and unanimously carried with all in favor.

- #19-67, Richard Schramm, 208 S. Morris Street, replace existing fence between 210 and 208 S. Morris Street. Since their last meeting on November 5, 2019, Chairman Baker stated that the town office had located an appeal for a special exception for the Schramm property that was made back in

1986 when the property belonged to William Thompson. It was found that a special exception had been given to this property for a 6' fence as well as the allowed use of an automatic pool cover to be used in place of a fence enclosure for the swimming pool. Mr. Schramm was notified that this information was found and that these special exceptions would follow the property. Chairman Baker added that the lack of fencing around the pool bothered him and felt that if another, more stringent rule were in place, at a State level, that requirement would overrule the town's zoning. He stated he at looked at the State COMAR regulations but their concern with fencing only applied to commercial establishments, not private residential properties so that legally, as far as he could tell, the special exception would still hold with the property at 208 S. Morris Streethaving just an automatic pool cover in place of the 4' fencing around the pool area.

This concluded the review of building permits.

DISCUSSION

Chairman Baker expressed his concerns that the whole idea of special exceptions and variances were rather confusing, as was brushed upon at the last meeting of the commission. In going over the Oxford Zoning Ordinance, Chairman Baker noticed that the zoning ordinance, in its definition of a special exception, states that a special exception is a use and does not mention anything that it pertains to a structure. There are other uses of special exceptions in the historic district, such as buildings, but again, Chairman Baker thought those special exception fell under uses. In talking this over with another past Planning Commission chairman, it was their thought that a special exception is almost like a "gimme" in that it is allowed in zoning but one just has to go through the Board of Appeals to have it granted. On the other hand, if one want to construction something that isn't allowed, one should have to seek a variance because a variance does require a reason for it to be granted, namely that it is not the fault of a homeowner and/or creates a hardship. A variance goes with the land and once it is granted, it stays in place forever. Chairman Baker added that he was going to keep going over both of these items so as to make it solid before taking it before the Commissioners for their consideration in making a change to the zoning ordinance.

Mr. Miller asked if there was any reason why a pool fence wasn't required at 208 S. Morris Street as it bothered him that someone else could come along and make the same request of having an automatic pool cover in place of the fencing. Chairman Baker reminded Mr. Miller that each property is unique and different the therefore that means it won't necessarily happen again.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk