

OXFORD PLANNING COMMISSION

MINUTES

DECEMBER 4, 2018

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, David Baker, on Tuesday, December 4, 2018, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

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

The minutes of the meeting of November 6, 2018 were approved and accepted as distributed.

The following building permits were reviewed by the commission:

1. Permit #18-89, Andrew Beck, 107 First Street, install 69' of wood fence along the southerly boundary of the property beginning at the First Street right-of-way and extending behind the detached garage; fence will be 48" tall. Mr. Baker pointed out that the zoning ordinance clearly allows for a 4' fence and that the building inspector will need to come out to make sure the fence will be built clearly on Mr. Beck's property. Mr. Reed asked Mr. Beck if he was going to have a survey done of the lot line. Mr. Beck responded that he was and that a concrete marker would be placed at the corner of his property facing onto First Street. The surveyor will also be installing a new iron pipe 68' down from the new concrete marker in order to give the fence builder a good fence line. He added that it would be well marked and 2" from the property line. Mr. Reed made a motion that the commission approve the permit for the 4' fence. The motion was seconded by Mr. Miller and unanimously carried with all in favor.
2. Permit #18-90, Andrew Beck, 107 First Street, install 70+/- feet of wood privacy fence along the southerly boundary of the property beginning 69' from the First Street right-of-way and extending westward 70', fence will be 96" tall. Mr. Baker explained to the applicant that the zoning ordinance does not allow for fencing over 4'. Mr. Beck explained that his property is in very close proximity to the house next door to him and that because of the amount of activity between the two houses, he would like to have more privacy. Mr. Baker noted that Oxford's Comprehensive Plan mentions land use and conforming with the neighborhood even though fence height is not mentioned. Because of the restrictions of the Oxford Zoning Ordinance, he added that the Planning Commission must deny the application but that the applicant has the option of going before the Board of Appeals to appeal the height restriction. In turn, the Planning Commission can pass on a recommendation to the Board of Appeals. Mr. Miller asked Mr. Beck if he could be more definitive as to why he was asking for an 8' fence. Mr. Beck responded that he did not think this meeting was the proper forum in which to do that and that he did not think it appropriate for him to go into details now. Mr. Mroczek stated that Mr.

Beck had come before the Planning Commission back when he was getting to build his house and that he and the commission had talked about the property's sight lines and creating the continuity of the sight lines and setbacks along towards the creek in order to keep the view scape the way it was. Mr. Mroczek thought that from a visual perspective, an 8' fence would break up the sight line. Mr. Beck stated that he disagreed as the property next door to him has a shed about 8' in height and the fence that he was asking to put in would stop right at the shed so as not to affect any view at all. He added that his overall plan was to start his fence at 4', radiate it up to 8', in line with the neighboring shed, and then bring it back down to 4'. Mr. Mroczek asked what the distance was between his proposed fence and the wall of his garage. Mr. Beck responded that it would be at least 5'. Mr. Beglin stated that the commission has had other requests come before them requesting taller fences and that he had come from a town with a lot of big fences and that he personally did like them. He noted that the town did have a zoning ordinance and that oversized fences were not something that he felt were conducive to the town unless it involved being next to something commercial or really quite ugly. Mr. Baker added that Mr. Beck would need to show that special conditions or circumstances exist for his needing a taller fence. Mr. Beck responded that he would be happy to explain his situations as long as his attorney was present but thought that it should be taken up with the Board of Appeals. Mr. Reed noted that he had a 7' fence behind his house that the Planning Commission had turned down. He stated that his reasons for requesting a fence that height was because, at the time, the house behind him had 2 or 3 dogs running around and had frequent parties on their deck at night which ran late into the evening hours and were noisy. His point was that there were other examples of non-conforming fences within the district. Mr. Baker stated that he understood both sides and would feel comfortable saying that the commission couldn't give a recommendation other than that it is not easily granted as it goes with the life of the property. He added that he agreed with Mr. Beglin in that an 8' fence would make the neighborhood look different and would take away from a small town open feeling. Mrs. Beck, who was present at the meeting, added that she and her husband had a unique situation. Mr. Mroczek made a motion stating that in conformance with the zoning ordinance the Planning Commission deny this permit and make no recommendation so that this would allow the applicant to bring forward information to the Board of Appeals that the commission was ignorant of. The motion was seconded by Mr. Miller and unanimously carried by all in favor.

This concluded the review of building permits.

Prior to adjourning, Mr. Baker stated that the commission would need to devote some time at a future meeting to discuss Section 32.12 of the Oxford Zoning Ordinance pertaining to fences and how requests for oversized fences should be treated --- as either variances or special exceptions as the ordinance is not all that clear about how they should be viewed. Mr. Baker noted that he and Administrator Lewis had talked about this. In particular, Section 32.12 mentions that a "fence or wall in excess of the height limitations established....shall only be permitted, if at all as a special exception use." However, it would seem as though a request for a taller fence would fall more under the definition of a variance as found under Section 11.02 of the Oxford Zoning Ordinance.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk

