

OXFORD PLANNING COMMISSION

MINUTES

JUNE 7, 2022

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, June 7, 2022, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were David Baker, Steve Mroczek, Edwin Miller, and Bruce Beglin. Also in attendance was Town Manager Cheryl Lewis.

The minutes of the meeting of May 3, 2022 were approved and accepted as distributed.

The following building permit was reviewed by the commission:

- Permit #22-46, William Britton, 206 Tred Avon Avenue, 16" x 3' heat pump for new HVAC system in house. Mr. Britton was represented by a gentleman named Brad from Choptank Heating and Air. Brad noted that the air conditioner was already in place on the Britton property, explaining that he had not been made aware that a permit was needed to install the unit. Mr. Miller asked if the application had been before the Oxford Historic District Commission. Manager Lewis responded that it had not. Chairman Bell stated that the permit could not be approved under Section 23.03.B2, which states, in part "that no accessory structure or part thereof except boundary fences, or walls and signs shall be located less than two feet from any side or rear lot line," and that in this case, the unit was within 5" of the side lot line. Manager Lewis corrected Chairman Bell in pointing out that the problem with the location of the unit was that it did not meet the side yard setback of 5' as heat pumps, air conditioners, and other utility structures are subject to the same setbacks as the principal structure. The commission asked if there had been an outdoor HVAC unit on the property in the past. Brad responded that, in the past, only window units had been used. Manager Lewis pointed out that the commission had recently had a meeting for this same property whereby the owner had wanted to install an LP tank which had not met the setbacks. The owner had gone before the Board of Appeals for a variance, which the appeals board had tabled, pending further investigation, resulting in the owner pulling the appeal and relocating the propane tank to another area on his property which would conform to the setbacks as found in the Oxford Zoning Ordinance. As a result, this request will be the only one in which Mr. Britton will be pursuing a variance. Manager Lewis added that the commission should note that the house next door to Mr. Britton has a similar situation and that there really wasn't any other place on the property to install the HVAC unit. A motion was made by Mr. Miller to deny the application which was seconded by Mr. Mroczek and unanimously carried with all in favor. Mr. Baker spoke stating that in this case, and given the situation, the Planning Commission should consider sending the Board of Appeals a favorable recommendation for a variance as this request is based upon conditions or circumstances which are not the result of actions by the applicant and that special conditions or circumstances exist that are peculiar to the land and would deprive the applicant the rights commonly enjoyed by other properties in the area. The members

agreed with Mr. Miller adding that he thought it would be unfair if the applicant did not receive a variance because his neighbors have the same situation.

This concluded the review of building permits.

Manager Lewis asked that the discussion of pool covers be held off until the next meeting of the commission when Town Planner Maria Brophy, who was out sick, would be back. Mr. Miller asked what the impetus was surrounding the discussion of the pool covers. Manager Lewis responded that there were other properties in town whereby fences weren't necessarily the answer for protection around swimming pools, especially on larger, waterfront properties. Mr. Baker noted that the idea of a fence is to keep children from falling in the water. Manager Lewis countered that if someone with a swimming pool was having a party on their property, that access would already be granted. A fence is to prevent those not allowed on the property into the pool. Chairman Bell felt the word "automatic," in the case of an automatic pool cover, was a misnomer in that one would still have to push a button for the pool cover to close. Mr Baker agreed adding that forgetting to close the pool cover would make the swimming pool available to children thus making the fencing a necessity. Chairman Bell noted that he would like to see more data on automatic pool covers. Manager Lewis asked that the members wait until Planner Brophy was back to attend their next meeting. Mr. Beglin strongly stated that no matter the size of a property, a fence should be around a swimming pool as the most important matter is a child's safety and that he was totally against the idea of replacing pool fencing with automatic pool covers. The discussion ended with the commission agreeing to wait to see what Planner Brophy brings in the way of research and to then make a conscientious decision.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk

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