

OXFORD PLANNING COMMISSION

MINUTES

JULY 5, 2023

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Wednesday, July 5, 2023, in the meeting room of the Oxford Community Services Building, at 5:00 p.m.

Other commission members in attendance were Lucy Garliauskas, Cameron MacTavish, Steve Mroczek, and Bruce Beglin. Also in attendance was Town Planner, Maria Brophy, and several others in the audience.

The following Request for Variances were reviewed:

1. Clint and Michaelyn Woofter (contract purchasers), 100 Stewart Street, variance request from front and rear yard setbacks. Dani Racine, from Lane Engineering, was present on behalf of the contract purchasers. She explained that the vacant lot in question is zoned "R-2" and that it is a non-conforming grandfathered lot. The front and rear yard setbacks, both of which are 25', take up the entire lot and without a variance the property is unbuildable. A 2005 boundary survey was presented which showed the location of a prior dwelling, which has since been removed, along with a 2021 boundary survey showing the current conditions. A concept plan was also presented showing the conceptual dwelling footprint and reduced setbacks, consisting of a 12' setback from the front property line and 6' setback off from the rear. Also included was a setback exhibit which showed the site location of other houses along Stewart Avenue. Mr. MacTavish pointed out that many of the houses on Stewart Avenue were set much closer to street and questioned why the contract purchasers were requesting that their proposed house be so much further back. Ms. Racine responded that their goal was to maintain a parking space(s) in front of the property. This brought up some discussion pertaining to site lines. Mr. Mroczek pointed out that the disparity in size between the lots was startling and that there were many non-conforming lots on this street. Planner Brophy stated that this was the second time that a house was being proposed to be built on this lot. The first set of contract purchasers for this property came before the commission with a much smaller house with a driveway on the side. Mr. MacTavish did note that he believed the design for this newly proposed house was clever. Chairman Bell agreed and called for a vote. Mr. Mroczek made a motion to disapprove the application. The motion was met with all in favor. Discussion ensued as to what and if the commission wanted to make a recommendation to the Board of Appeals. All agreed that a variance for the front yard setback was not needed as the Oxford Zoning Ordinance allows, in part, per §32.10, that "where existing buildings and structures create a clearly defined setback line, a new building may be located in such a manner as to preserve the existing building setback line, even though such building may not provide the full yard required herein." Mr. Mroczek then made a motion that the Planning Commission send a favorable recommendation to the Board of Appeals based on Section 32.10 and to grant a variance to allow for the reduced rear yard setback since the lot is not sufficiently deep for a rear setback of 25'. The motion was second by Mr. MacTavish and unanimously carried with all in favor.
2. David Kane, vacant lot next to 215 South Street, variance request of the 50' BMA to apply either a 25' buffer setback or the setback established by neighboring structures, whichever is greater. Mr. Kane, along with his attorney, Zak Smith, was present to discuss his request. Mr. Smith spoke

explaining that Mr. Kane was in the process of putting his vacant lot up for sale that is located directly next to his improved property at 215 South Street. He explained that concerns had been raised about the ability to build a home and other accessory improvements on the property due to the shallow lot depth and the 50' minimum setback, from the waterside, of the lot. He also noted that the existing improvements on the parcels on either side of the property do not comply with the 50' setback and that a variance be considered to allow building on that lot nearer to the water consistent with the neighboring properties around it. Planner Brophy spoke stating that Mr. Kane's property was in the Buffer Management Area and that the buffer standard is 100' whereas the BMA allows for a 50' setback. Mr. Smith pointed out, through Goggle map imaging, that Mr. Kane's lot is relatively shallow compared to those of his neighbors while also pointing the footprints of those houses around it. Mr. MacTavish asked Mr. Kane about his front yard setback. In looking at Exhibit 1, provided by the owner, Mr. MacTavish pointed out that it showed the building envelope as being setback 25' from the front, which is much further back than that of any of the other houses which face onto South Street. Mr. MacTavish noted that the established front yard setback on South Street was very strong and that if Mr. Kane were to just pull that front yard setback in closer to the street, he could easily keep the 50' buffer setback and have plenty of space in which to build a house without seeking a variance, as it would be easy for the Planning Commission to approve the change in the front yard setback through Section 32.10 of the Oxford Zoning Ordinance. Planner Brophy agreed that the front could be approved through the Planning Commission, but a rear variance would have to go through not only the Board of Appeals but also through the Critical Area Commission. Mr. Kane responded to Mr. MacTavish's suggestion by stating that he also would want the house to have a garage and/or a swimming pool and would like to market the property as having the ability to have those items. Discussion took place regarding different variance options, setbacks, and Maryland Law. Ms. Garliauskas moved that the commission disapprove the request for a variance request to encroach on the 50' buffer. The motion was seconded by Mr. Mroczek and unanimously carried. In going over their recommendation to the Board of Appeals, Mr. MacTavish spoke stating that the Buffer Management Area was there for a reason and that with regards to the owner talking about the ability to have a pool the property, he was not sure how he felt about that. Mr. Beglin stated that he did not believe the 50' setback from the water should be violated. Ms. Garliauskas suggested that the commission could recommend to the appeals board that the Planning Commission was not encouraged to reduce the 50' buffer but possibly add that this was a potentially buildable lot, with Mr. MacTavish adding that given its size it could be built on without a variance. This led to the question of whether there was even a basis for a variance. Ms. Garliauskas made a motion to recommend to the Board of Appeals that they not grant the request for the 25' variance with the reasons being that the setback was established by the State, that the 50' setback was made to project the water, that the lot is developable without a variance, and that the owner still has other options. The motion was seconded by Mr. Mroczek and unanimously carried with all in favor.

3. John Pepe, 103 Richardson Street, variance request for 6' high privacy/safety fence. Mr. Pepe explained to the commission that his request for a 6' fence across a portion of his backyard was to shield him and his wife from the aggressive dogs behind their property. He explained that the situation was bad, and his hope was that this would separate the two yards so that dogs would neither see he or his wife when they were out in their backyard. Mr. Pepe added that the dogs were unsupervised most of the time and though his backyard neighbor has his own fence in his own backyard, the fence was only 3 ½' tall and that one of the 3 dogs had already jumped it, and another had squeezed itself out of it. Mr. Mroczek made a motion to deny the application for a variance which was seconded by Mr. Beglin and unanimously carried with all in favor. In

discussing a possible recommendation to the Board of Appeals, Chairman Bell stated that his first reaction was that something should be done to the dogs. Mr. Pepe responded he and his wife were just trying to be good neighbors and that if they could put the dogs at bay, by having the dogs not see them, that would be great, as they would be able to go out and enjoy their own backyard. Mr. Beglin spoke, stating that he came from a town with 6' fences everywhere and that he did not like it. However, he also noted that in a situation like this, he could understand the need for a higher fence but questioned what would happen when the neighbor moved away, or the dogs died. Would the 6' fence convey with the property? Chairman Bell suggested that maybe the appeals board could put a condition on it. Mr. Pepe spoke stating that he didn't want a fence there at all, but he did want to get along with his neighbors and thought this was something that would help. He added that all he wanted to do was to create a screen and to make sure that when the dogs come out, none of them can come directly onto his property. The members again spoke of making a recommendation with a condition attached to it. Chairman Bell made a recommendation that if the Board of Appeals would put conditions on the fencing to make it a temporary condition, the Planning Commission would look favorably upon the request with those kinds of additions. The motion was seconded by Mr. MacTavish and unanimously carried with all in favor.

A consultation was held with David Ghysels and his realtor, Ray Stevens, concerning Mr. Ghysels' desire for a possible lot line revision of his property at 106 Tred Avon Avenue. Mr. Ghysels explained he had purchased 106 Tred Avon Avenue and also a property 108 Tred Avon Avenue, which was a buildable lot. Around 2000, he stated he had also purchased the property in front of 108 Tred Avon (Parcel 747-R) and had torn down the house that was on it. All the lots were kept separate until 2013 when Mr. Ghysels decided to combine them all into one large lot. He explained it was now his desire to take the front lot, Parcel 747-R, out and bring it back to what it was. Chairman Bell noted that this would result in bringing it back to a non-conforming lot. It was noted that Mr. Gysels property is currently for sale. Realtor Stevens stated that he thought by creating this change it would give the new owner the option of selling off the lot or asking if it would be recreated. Mr. Ghysels added that he may want to keep the front lot for himself. Realtor Stevens stated that basically they were coming before the commission to find out if it was reasonable to ask for a change to bring back the small lot. Chairman Bell stated he thought the commission would need some legal advice from the town's attorney. Planner Brophy suggested the commission send out a request to Attorney Lyndsey Ryan for review, adding that other matters needed to be considered, such as the buffer and the Talbot County's Health Department view on building back on that property. It was agreed by the commission members to seek some help with this and to ask the town's attorney the following questions: 1) when Mr. Ghysels abandoned his lot line, did he lose his right to take it back and 2) if the property is sold, could the new buyer bring back the one property back. Chairman Bell ended the discussion by stating that they would start with the lawyer and see what she had to say before going on any further with the request.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk