

## **OXFORD PLANNING COMMISSION**

### **MINUTES**

**SEPTEMBER 5, 2023**

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

Other commission members in attendance were Bruce Beglin, Steve Mroczek, and Cameron MacTavish, along with Town Planner Maria Brophy and audience members Monty and Suzie Deel.

Prior to the start of the meeting, the Planning Commission held a workshop at 4:00 p.m. to discuss cannabis legislation as it relates to the Comprehensive Plan.

The minutes of the meeting of August 1, 2023, were approved and accepted as distributed.

#### **REVIEW OF APPLICATION/REQUEST FOR VARIANCE**

Monty and Suzie Deel, property owners of 212-214 Tilghman Street, met with the commission to discuss their property and need for a variance. Mr. Deel distributed to the members copies of the history of the marina property which he and his wife had recently purchased and have been in the process of restoring and making safe. Within the copies presented of the history of the property, it was explained that there had been a pre-existing power system panel on the property when the marina was purchased in 2022. There came a need for a new electrical services that was brought about due to the occurrence of major renovations that were the result of a new seawall, dock, and water utilities serving the marina, as well as an increase in the electrical service from 100 amp to 400 amp. Mr. Deel explained that as the electric company started the project, they were going to put in 4 by 4's and attach to it a piece of plywood between the Deel property and the neighboring property at 216 Tilghman Street. The Deel's contractor suggested that a utility shed would be better since they could run the new water in the same ditch to the shed and that the shed would be safer for both power and water than an exposed plywood panel on posts. The shed was then ordered and delivered on the same day without any thought being given to the setbacks. Mr. Deel stated that they did not want to do any harm to the grounds and by moving the shed to meet the 15' setbacks, they would have to dig up half of the tree roots on the property, move their pre-existing driveway, and install a junction box. He freely admitted that he had made a mistake but added it would be difficult and costly to move the shed. Chairman Bell asked if there had been a permit for the shed. Planner Brophy responded that there wasn't one, just an electrical and dock permit. Mr. Deel stated he had no idea that the shed would require a permit. Mr. MacTavish spoke stating that he had been a customer at this marina for about 20 years and that what the Deels have done to the property has been transformative, including the investment of all new, beautiful safe docks, that in the past had always been dangerous, as well as ridding the property itself from snakes and rodents. He added that he felt they had done their best to locate the utilities in an area where they would have low impact on the site and questioned if they would have had a lot of options in working with Delmarva Power. Mr. Mroczek pointed out that had the shed not been purchased, the upgraded wiring would have been on a board in the same spot as the shed and questioned if the town would have required a permit for that. Planner Brophy

responded she was not sure. She added that the property is zoned for maritime use and that usually the setbacks for an accessory structure are 2' unless the maritime property butts up against a residential property, then the setback requirement is 15' and that this is where the confusion lies as the utilities were already located in that spot at the time the property was purchased by Mr. and Mrs. Deel. Chairman Bell pointed out that the commission would need to deny the request and send it to appeals. Prior to a vote, planning member Cameron MacTavish recused himself explaining that he is a customer at the marina and that the Deels are also clients of his. Mr. Deel mentioned that he had spoken to his next door neighbors at 216 Tilghman Street, who would be most affected by the shed, and that they stated they were ok with the shed and had only requested that he not place a forest of trees along the property line that would block their view of the water. Chairman Bell stated the commission would need to see something in writing from the neighbors expressing that. Mr. Mroczek made a motion to deny the permit based on failure to meet the setback. The motion was seconded by Mr. Beglin and approved and carried by a vote of 3 . Discussion took place as to what recommendation, if any, the commission would like to give the Board of Appeals. Mr. Beglin asked if the shed was alright, as it is now, just sitting on a concrete block and if any thought had been given as to what would happen to it should there be a flood. Mr. Deel responded that he had addressed this with an engineer and found that the shed will need to be anchored and flood vents installed, the plans of which he had brought in and presented to the town. Planner Brophy spoke stating this item will be reviewed by the town's building inspector. Mr. Deel explained that his biggest reason for keeping the shed in its present location is because of the driveway and because of the tree on the property, all of which was explained in his handout attached to both his building permit and request for an appeal. Should the shed be moved, the tree would need to go, all the ditches would have to be dug out, the pre-existing driveway would need to be changed and a lot of underground lines would need to be moved. Mr. Mroczek noted that this was all an error originally, of a couple of different kinds, and that though the technical solution would be straightforward, it seems it would be quite expensive. Mr. Deel agreed that it would create more problems and would not help the view of the neighbor nor enhance the property. Mr. Mroczek responded that the request for this variance seemed like a good definition of hardship. Mr. Beglin stated that he thought a positive recommendation should be sent, especially if the next door neighbors didn't have a problem with the request and that the shed is a long ways away from the street making it less visible. Mr. Mroczek made a motion to give a favorable recommendation to the Board of Appeals based on Section 11.02.k.1 of the Oxford Zoning Ordinance. The motion was seconded by Mr. Beglin and unanimously carried with all in favor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk