

**Planning & Zoning Commission Meeting**  
**February 22, 2024**  
**MEETING HELD IN-PERSON & VIA TELECONFERENCE**

The regularly scheduled meeting of the Planning & Zoning Commission was held at Delmar Town Hall and via teleconference. Those in attendance: Deputy Mayor Lenox, Vice Mayor Jones, Commission Members: Shawn Johnson, and via teleconference Commission Member Wilson. Key personnel: Planning and Zoning Director Twain Evanson, Code Enforcement Officer Liz Peek and Clerk of Council Vondell Spencer. Guests: Kenneth Shockley, Daveta Witcher, Brian Sheats, Timothy Ramia, Doug Marshall, Rebecca Ramia, Rodney Brown, and via teleconference Chris Brown.

**Called to Order:**

Deputy Mayor Lenox called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

Deputy Mayor Lenox stated Commission Member Wilson is attending the meeting online and is acting as a full member this evening.

**Approval of Minutes –**

A motion was made and seconded (Johnson/Wilson) to approve the January 25, 2024 meeting minutes as circulated by a vote of 4 Ayes.

**Old Business –**

None.

**New Business –**

1. **Kenneth Shockley/Unique Styles Home Building, LLC – School of Instruction and Education – 500 S. First Street, Delmar, MD** – Mr. Shockley and Ms. Daveta Witcher presented a preliminary plan per the attached drawings. Deputy Mayor Lenox stated he spoke with P&Z Director Twain Evanson and they identified sections of the code which are required for the site plan. He said he is also aware they have information about the building and information about the school of instruction and education.

Commission Member Johnson questioned Mr. Shockley about the parking. Mr. Evanson said there is parking shown on the site plan and the parking space requirements are met.

Deputy Mayor Lenox asked Mr. Shockley and Ms. Witcher how they felt about S. First St. in regards to how it serves them and the way the street will be impacted. She said she will just come for the school of instruction and educational center and there is three ways to get in to the center and she doesn't see an issue with it. She further said she is looking

for a passenger van now so she can pick-up and drop-off the children herself because she is trying to make it like a school setting.

Deputy Mayor Lenox asked Commission Member Johnson why the street is set up so narrow. Commission Member Johnson responded pretty much it is a one-way street and you can only get one car down that street at one time. The tree that comes out over the property, comes out over the road is low. Mr. Shockley replied it has to be taken out. Commissioner Johnson explained the fire department has to come down that street both ways.

Commissioner Johnson said on the property there used to be a septic and well on it. Mr. Shockley responded it's been filled in; the septic is completely gone and we have to do that. The well is cut-off below grade, so they could do that. Commissioner Johnson added the street is very congested between March and July from 5:30 p.m., the ballgame is at 9:00 a.m. Mr. Shockley further responded most of the time of the congestion Ms. Witcher will not be there, he does not think that congestion will have an impact directly with the center at all. Ms. Witcher replied she will not be there at 5:30 p.m. she will leave at 5:00 p.m.

Deputy Mayor Lenox questioned if he should be concerned about the width of the road. He said he is unsure what will happen with the van or any other vehicles. Commissioner Johnson said for a normal vehicle the street is fine but for a fire truck it will be tight. Not to say the fire truck can't get to the location, the latter truck will have to come from Spruce St., because there are ditches on the north.

Deputy Mayor Lenox asked Mr. Evanson in addition to the landscaping are there factors in the final plan that should be discussed that have not been seen yet. Mr. Evanson answered the only thing that is missing from the final plan is sidewalks but that goes back to the traffic study that goes back to the baseball and softball seasons because people park on that street and the kids are running back and forth. Mr. Shockley asked for clarity as far as which sidewalks were being discussed and if Mr. Evanson needed the sidewalks to be shown on the plans. Mr. Evanson clarified the sidewalks and responded yes to showing the sidewalks on the plans.

Commission Member Wilson noted the submitted plan is a conceptual site plan. Deputy Mayor Lenox responded it's just not a final as of yet.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for preliminary plans submitted on behalf of – Kenneth Shockley/Unique Styles Home Building, LLC – School of Instruction and Education subject to further review by the town and the fire department as to access and public safety – 500 S. First St., Delmar, MD. A motion was made/seconded (Jones/Wilson) and carried by a vote of 4 Ayes.

**2. Brian Sheats/Saltwater Investments, Inc., - New Construction of 4 Unit Residential Building – 703 E. East St., Delmar, MD – Mr. Sheats presented a new 4-unit residential**

building per the attached drawings. He mentioned the property is zoned R2 and by special exception duplexes, townhomes or apartment buildings can be built in this location.

Mr. Sheats discussed why this new construction would be good for the Town of Delmar, information received from Secretary of Housing and Community Development, Jake Day in reference to fourplexes, housing shortages, housing prices, economic growth, less expensive housing, racist housing policies, diverse neighborhoods, lack of availability for housing, innovative solutions, local zoning, etc.

Deputy Mayor Lenox stated for clarification this is a recommendation for the Board of Zoning Appeals who has the authority to consider this special exception. He explained the process of a special exception. Mr. Sheats stated how the code for the special exception maybe granted and he said in his opinion, they met the criteria.

Deputy Mayor Lenox said the third criteria about the standards, there is a requirement for 3,500 square feet per unit (land density) which Mr. Sheats does not have. A discussion occurred.

Commission Member Wilson asked Mr. Sheats how many bedrooms and bathrooms for each unit. Mr. Sheats answered they have not gotten that far yet. He said he was thinking three bedrooms one bath but they are still at the conceptual phase. She further asked Mr. Sheats if they had a price point that they would consider for each unit. Mr. Sheats further answered yes but it is not set in stone yet. The price would be \$1500 per unit per month for a three bedroom with \$15.00 hr. minimum wage an hour a minimum wage two income family would be approved for that. He explained the general landlord rule.

Commission Member Johnson questioned Mr. Sheats about parking. Deputy Mayor Lenox explained the parking spaces to Mr. Sheats. Mr. Sheats responded he has that on the site plan, yes.

Vice Mayor Jones asked Mr. Evanson if this would affect the EDU situation. Mr. Evanson answered this is an infill, it's in town limits.

Deputy Mayor Lenox said he is unsure how this fits the adverse impact but except for the building at the end of the street that neighborhood is entirely single-family. He said before he supported this, he would like to know what would happen at a public hearing and see how the neighbors feel. Deputy Mayor Lenox mentioned he has concerns about the square footage and also consistency with the neighborhood which is entirely single-family. If this is the direction the town makes it opens it up for conversions of other homes as well. The Commission Members agreed.

Commission Member Wilson said this was a concern for her but it will not be a single-family home and Mr. Sheats is always able to make his case for a special exception or a variance. Aesthetically it is just not a single-family home which does not mean that she

is opposed to the idea. The primary reason for that is affordable housing. It would be nice to have the neighbors' thoughts and feelings on this fourplexes. A discussion occurred.

Vice Mayor Jones called for a favorable recommendation to the Maryland Board of Zoning Appeals, go forward for public comments, and from there the Mayor and Commissioners can make the final determination on this concept for - Brian Sheats/Saltwater Investments, Inc., - New Construction of 4 Unit Residential Building – 703 E. East St., Delmar, MD – A motion was made/seconded (Jones/Wilson) and did not carry by a vote of 2 Ayes 2 Nays (Johnson/Lenox).

3. **Doug Marshall – Subdivision Plat Approval (Sunset Acres) – Royal Tern Dr., Delmar, MD** – Mr. Marshall requested a subdivision plat approval per the attached drawings. Mr. Evanson stated the only concern was notation which engineer Brock Parker from Parker and Associates addressed which was easement notes and being Lot 2 was the smallest lot an outline was required for the property so the setbacks were shown. The town engineer and Mr. Parker have been in contact with each other to resolve the Lot 2 issue.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Doug Marshall – Subdivision Plat Approval (Sunset Acres), subject to final review by the town's engineer – Royal Tern Dr., Delmar, MD, per the attached drawings. A motion was made/seconded (Johnson/Jones) and carried by a vote of 4 Ayes.

4. **Rebecca Ramia/Timothy Ramey Construction, Inc. – New Home Build – 403 N. Second St., Delmar, DE** – Ms. Ramia presented a new home build per the attached drawings. Commission Member Wilson asked Ms. Ramia if she had a signed site plan. Ms. Ramia answered no, but she could get it stamped before she received her permit. Deputy Mayor Lenox confirmed there has to be an owner and the surveyors' signature.

Commission Member Wilson stated there was also a note that the north arrow is not correct, and a note regarding infill. She asked for clarity. Mr. Evanson responded the infills are the empty lots within the town limits. Vice Mayor Jones added existing water and sewer. Mr. Evanson agreed. Commission Member Wilson asked if the site plan has to show the difference between the house and the garage because it is only being shown as one dwelling, it is not separated out? Ms. Ramia responded it is an attached garage and gave the location. Deputy Mayor Lenox asked Ms. Ramia if the existing curb is being closed off. Ms. Ramia answered no, she is using the exact same curb. Deputy Mayor Lenox said there is an existing curb cutout there on Second St. which they will take advantage of for the driveway.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Rebecca Ramia/Timothy Ramey Construction, Inc. – 403 N. Second St., Delmar, DE. – Single Family Home and Garage as submitted subject to all of the standard

signatures and change to the north arrow. A motion was made/seconded (Jones/Johnson) and carried by a vote of 4 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 7, 11705 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build per the attached drawings. Commission Member Wilson noted that Mr. Evanson noted on the paperwork that this submittal was withdrawn back in November and there are no new changes for this resubmittal. Also, there are Hazel’s on both sides of this property, and the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 7, 11705 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by a vote of 4 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 16, 11731 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build per the attached drawings. Commission Member Wilson noted there are vacant lots on both sides and the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 16, 11731 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 4 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 95, 38316 Stillwater Parkway, Delmar, DE** – Mr. Brown presented a new home build per the attached drawings. Commission Member Wilson noted there is a vacant lot on one side and a Cedar on the other and the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 95, 38316 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 4 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 105, 11884 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build per the attached drawings. Commission Member Wilson noted there are vacant lots on both sides and the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 105, 11884 Yellow Wood Dr., Delmar, DE per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 4 Ayes.

**Public Comments –**

None.

**Adjournment –**

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Jones/Wilson) and carried by a vote of 4 Ayes.

Submitted by:

Vondell Spencer

Clerk of Council