

**Planning & Zoning Commission Meeting**  
**January 25, 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: Joseph Cooke, Jr., Doug Marshall, 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.

**Approval of Minutes –**

A motion was made and seconded (Jones/Johnson) to approve the December 21, 2023 meeting minutes as circulated by a roll call vote of 4 Ayes.

**Old Business –**

None.

**New Business –**

Deputy Mayor Lenox stated there were a number of Ryan Homes permits last month and they were moved through the Mayor and Council, however as noted there was significant concern about the stormwater situation at the Stillwater Development following the big storms the Town of Delmar received. There have been several meetings, they have met with engineers, made corrective actions on site, and at this point it looks as if things will be operating acceptably.

- 1. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 6, 11703 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson asked Deputy Mayor Lenox to address the staff review regarding the resubmitted design change from the Tupelo with a patio to the Hazel. Deputy Mayor Lenox answered it was a Tupelo and now it is a Hazel so, everything appears in that respect to be in order.

Commission Member Wilson noted there is a Spruce on one side and a vacant lot on the other. The setbacks are 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 K – Lot

6, 11703 Silverbell Dr., Delmar, DE, per the attached drawings. The motion was made/seconded (Johnson/Jones) and carried by a roll call vote of 4 Ayes.

- 2. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 9, 11709 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there are Hazels on both sides of this dwelling. 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/Cedar/Elevation K – Lot 9, 11709 Silverbell Dr., per the attached drawings. The motion was made/seconded (Wilson/Johnson) and carried by a roll call vote of 4 Ayes.

- 3. Joseph Cooke Jr. – New Home Build – 709 E. Grove St., Delmar, DE** – Mr. Cooke presented a new home build as referenced per the attached drawings. Deputy Mayor Lenox clarified this is the property that had the fire where basically the house is gone, so Mr. Cooke is starting from scratch. Mr. Cooke answered correct.

Mr. Cooke explained his new home build would require a variance but his intent is to keep it in line with the rest of the houses on Grove St. He said aesthetically, there is no difference because the average setbacks of all the homes that are there are 12 feet 6 inches. Mr. Cooke presented images of the concept plan to the Commission so they could see the line of houses are on the same row. He further said all the homes on the north side of the street are 12 feet 6 inches and on the south side they all have a 25 feet setback. Deputy Mayor Lenox asked Mr. Cooke what the setback was of the house that burned down. Mr. Cooke answered it was very close to 12 feet because it had a porch up front very close to the road but it is within the 12 feet. It is not 25 feet.

Deputy Mayor Lenox asked Mr. Cooke if the house that burned down front setbacks were 12 feet 6 inches approximately. Mr. Cooke answered very close to that. Commission Member Johnson commented it is very similar to the two properties on the images. He further asked Mr. Cooke if the side setbacks that burned were approximately what he is proposing. Mr. Cooke answered his setbacks are similar. The width is 31 feet which accommodates parking on one side and the other side will just be a normal border between the two homes; a 2-story 3-bedroom 2 1/2-bathroom home.

Deputy Mayor Lenox said what is being proposed is a 6.2-foot setback. He asked Mr. Cooke if that was what it was before. Mr. Cooke answered it's close and he is unaware of exact. Deputy Mayor Lenox described the Town of Delmar provisions in reference to when 50% of a house is destroyed.

Commission Member Wilson asked Mr. Cooke if there was a reason why the side setbacks that are being proposed can be relatively even on either side instead of 10 and 6 so they are more in the middle. Mr. Cooke answered because on the left side of the house is where a vehicle would park.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council, and Delmar, DE Board of Adjustments for – Joseph Cooke, Jr. – New Home Build – 709 E. Grove St., Delmar, DE, per the attached drawings including the necessary variances. A motion was made/seconded (Wilson/Jones) and carried by a roll call vote of 4 Ayes.

4. **Doug Marshall – Subdivision Plat Approval – Royal Tern Dr., Delmar, MD** – Mr. Marshall requested subdivision plat approval as referenced per the attached drawings. Mr. Marshall clarified that it is 9 lots and they are working with the town engineer on utilities so, they are looking for approval on the final plat that is laid out subject to the town utility approval. He said the Forest Conservation is perfectly fine. Deputy Mayor Lenox responded he did see some correspondence from Forest Conservation and he understood Mr. Marshall did not have to go through that process again because it was taken care of previously with the subdivision.

Deputy Mayor Lenox asked Mr. Marshall if he had any Forest Conservation easements of record on this property. Mr. Marshall answered Lot 9 has some on the east side which they have shown on the final subdivision plat. Deputy Mayor Lenox further asked Mr. Marshall if he was aware that the engineer will show them on the plan if they do exist. Mr. Marshall answered the totality of the project is approved and recorded for Forest conservation.

Deputy Mayor Lenox inquired if this plat approval was a concept plan or final plan. Mr. Marshall answered he assumed it was a final plan subject to DBF approving the utility plan. Deputy Mayor Lenox explained to Mr. Marshall what is shown on a final plan, ex: frontages, bearings, distances of lot lines, signature blocks, etc. He clarified to Mr. Marshall he did not have a problem with concept but he is unsure what was submitted is a final subdivision plan. Deputy Mayor Lenox further explained the plan which Mr. Marshall submitted no one can sign, the plan cannot go to record, and it is understood by the Commission what Mr. Marshall plans to do but for recording purposes no one can sign the plan.

Commission Member Wilson agreed that what was submitted does not meet the requirements for approval. She said much more details need to be ascertained in particular the access to Lot 4, Lot 8, and Lot 9. A discussion occurred.

Deputy Mayor Lenox advised Mr. Marshall to have his engineer submit a plan that meets submission requirements for staff review, and for DBF. He asked Mr. Marshall if he would like the Commission to approve this submittal to the Mayor and Commissioners for further assurance as a concept plan. Mr. Marshall answered there is no need to waste anyone's time. They are just waiting on DBF to tell them what they can do with the utilities, that's the hold up. Mr. Marshall decided to go back to his engineer and DBF to get DBF to sign off on the utilities.

**Public Comments –**

None.

**Adjournment –**

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

Submitted by:

Vondell Spencer

Clerk of Council