

**Planning & Zoning Commission Meeting**  
**June 23, 2022**  
**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, Jack Lenox, Council Member Odell Jones, Commission Members: Rochelle Outten, Beverly Wilson, and Shawn Johnson. Key personnel: CDC William Hardin, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Demetrius Jones and via teleconference Chris Brown.

**Called to Order:**

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

Deputy Mayor Lenox acknowledged and welcomed new Commission Member Shawn Johnson.

**Approval of Minutes –**

A motion was made and seconded (Jones/Wilson) to approve the May 19, 2022 meeting minutes amended as noted by roll call vote with 3 Ayes 2 Abstain (Lenox and Johnson)

**Old Business –**

None.

**New Business –**

1. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation B – Lot 363, 9323 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson commented the applications, page 2 of the Planning and Zoning Commission Agenda Requests generally have the CDC Hardin's and the Town Mgr.'s comments or check marks. She said she assumed because of lots of things going on this month that CDC Hardin has looked at all the paperwork and just has not had a chance to check off on the submittals. CDC Hardin explained he had the copies that were signed. There was an email that went out today that explained why there was not signatures.

Commission Member Wilson noted on one side is a Hudson and on the other side is an Allegheny. She commented she would like to have Ms. Brown thank Ryan Homes Surveyors for amending the setback notes that say R-2 variance approved, what's required and provided.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation B – Lot 363, 9323 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 5 Ayes.

- 2. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 362, 9325 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson asked should the rear setback as provided read 29.7 instead of 29.8? Ms. Brown answered yes that's what it says. Commission Member Wilson responded that needs to be corrected for which rear setback is correct. Ms. Brown said she would get a new site plan before the Mayor and Commissioners meeting.

Commission Member Wilson noted on one side is a Hudson and on the other side is a Bramante.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 362, 9325 Mulligan Way, Delmar, MD, with the change as noted in the rear setback. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 5 Ayes.

- 3. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 385, 9338 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson said looking at the site plan the front setback line notates 23.5 however, the end of the arrow is going over the lot line. Ms. Brown responded correct. Commission Member Wilson asked does the setback have to be within the lot and is there an angle that the measurement is taken? She commented she would like for this setback to be reviewed, corrected or have an explanation for the Mayor and Commissioners for where the setback line really starts and begins at the street. Ms. Brown said, okay.

Commission Member Wilson noted on one side is an Allegheny and on the other side a Pisa Torre.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 385, 9338 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 5 Ayes.

- 4. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 386, 9340 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson mentioned

that the arrow is obviously over the setback. Ms. Brown replied there is no question about that.

Commission Member Wilson noted on one side is a Columbia and on the other side an Allegheny.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 386, 9340 Mulligan Way, Delmar, MD, with the notation on the setback line as discussed. A motion was made/seconded (Outten/Wilson) and carried by roll call vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 343, 9363 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson asked CDC Hardin if the Adrian was in the portfolio and had been approved and the Commission just has not seen it in a while? CDC Hardin answered yes.

Commission Member Wilson noted there is a Pisa Torre on one side and the other.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 343, 9363 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Johnson) and carried by roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 398, 9364 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson mentioned the front setback line is slightly over the lot line, so that should be checked.

Commission Member Outten noted there is an Allegheny on either side of Lot 398.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 398, 9364 Mulligan Way, Delmar, MD, subject to the notation regarding the setback line as discussed. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 5 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 83, 9425 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the front lot line begins at the zero-side setback line that really goes over to the other line to the street; it is not noted on the lot. Ms. Brown said, okay she will get the site plan

revised. Deputy Mayor Lenox suggested to Ms. Brown getting all the site plans checked particularly this one.

Commission Member Wilson noted there is a Columbia on either side of Lot 83.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 83, 9425 Rolling Green Drive, Delmar, MD, subject to the confirmation regarding the setback line as discussed. A motion was made/seconded (Outten/Johnson) and carried by roll call vote of 5 Ayes.

**8. Demetrius Jones – Accessory Building (Garage) – 209 W. Jewell Street, Delmar, DE**

– Mr. Jones presented a new garage as referenced per the attached drawings.

Commission Member Wilson asked CDC Hardin what zoning class does it fall under? CDC Hardin answered it's an R-1. Council Member Jones stated he will be abstaining from the vote because Mr. Jones is family. Commission Member Wilson stated for the record the rear setback line for an accessory structure is 5 feet and Mr. Jones has 10.1 feet, so that is fine. She said since the lots are combined there is no issue now with the middle of the lot. Commission Member Outten asked was there an easement through the lot? Mr. Jones answered he is unsure but, in the cul-de-sac, it looks like an easement area to him because it's a ditch back there. He further answered all of those lots look like they have some kind of easement area because if the Commission looked at the site plan his neighbors and his location of markers, it looks like it's a gap, so he would assume that is the easement area for those lots.

Commission Member Wilson asked would Mr. Jones need the approval for a driveway as well or is that a regular permitted item? CDC Hardin answered it is should say a garage and proposed driveway because that is what is showing on the site plan. Commission Member Wilson further asked can there be more than one entrance to a single property? CDC Hardin further answered yes, there can be a circular driveway.

Commission Member Wilson asked does the fence that is a little bit there exist already? Mr. Jones answered yes, it is just used for parking.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Demetrius Jones- for an Accessory Building (Garage) and Driveway – 209 W. Jewell Street, Delmar, DE – per the attached drawings. A motion was made/seconded (Outten/Johnson) and carried by roll call vote 4 Ayes 1 Abstain (Jones).

Beverly Wilson commented she was out of Town for Sara Bynum-King's retirement party but we certainly wish her well and she is looking forward to her replacement. She further commented she felt like the Greater Delmar Chamber of Commerce Day in the Park went fairly smoothly and she wondered if the Town had any issues that we are aware of. CDC Hardin replied there were no complaints that he was aware of, none that came to his attention.

CDC Hardin mentioned for the new Commission Members or the ones that have not had the training the Maryland Municipal League does offer training for Board of Appeals and Commission Members. Deputy Mayor Lenox added training can be in-person or online.

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Outten/Johnson) and carried by roll call vote of 5 Ayes.

Vondell Spencer

Clerk of Council