

Planning & Zoning Commission Meeting
February 24, 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: Beverly Wilson and Rochelle Outten. Key personnel: CDC William Hardin, CEO Liz Peek, and Clerk of Council Vondell Spencer. Guests: Mr. Wright, David and Katherine Magner, Nilesh Patel; teleconference guest: 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 noted an addition to the agenda this evening from when it was initially drafted and it will be our first item after the approval of minutes.

Approval of Minutes –

A motion was made and seconded (Wilson/Jones) to approve the February 24, 2022 meeting minutes as circulated by roll call vote with 4 Ayes.

Old Business –

None.

New Business –

1. David & Katherine Magner – New Construction – 609 E. Jewell Street, Delmar, DE –

Mr. & Mrs. Magner presented a new construction as referenced per the attached drawings. Deputy Mayor Lenox asked CDC Hardin was there anything in particular the Commission needs to know about this submittal. CDC Hardin answered not that he is aware of unless Mr. & Mrs. Magner wish to share something with the Commission. Commission Member Wilson asked what the 10-foot arrow on the side of the draft was. Mrs. Magner answered the 10 foot arrow is an indication of the setback from the neighbor's property. Deputy Mayor Lenox asked was this going to be a family room. Mrs. Magner responded it will be her mother's office.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – David & Katherine Magner – New Construction – 609 E. Jewell Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Outten/Wilson) and carried by roll call vote of 4 Ayes.

2. Dana Wright – New Porch Patio – Lot 389, 9346 Mulligan Way, Delmar, MD – Mr.

Wright presented a new porch patio as referenced per the attached drawings. Deputy Mayor Lenox mentioned that Mr. Wright had the approval from the HOA on the design. Deputy Mayor Lenox said the discussion is what shows as the 8-foot side setback will become 10. So, the entire deck moves inward. Mr. Wright responded yes; the whole thing will move over 2 feet to make sure it's not an issue. Deputy Mayor Lenox further said so the 11 foot is probably going to be extended as well if you keep that right angle on the back of it. Mr. Wright said yes everything would just shift. The property actually goes into a little bit of an I shape on that side. Deputy Mayor Lenox replied yes and the house as well. Commission Member Wilson asked is this Wood Creek. She then said she thought some of those houses, maybe the new houses don't have zero lot lines, those are just the old ones. Mr. Wright replied yes, he has six or eight months in on this particular house. Deputy Mayor Lenox commented what we are alluding to is that blanket variance that was out there for the neighborhood and we are comfortable that 10 feet is the requirement. CDC Hardin said he believed from Mulligan Way they were 10 feet but he would have to verify that.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Dana Wright – New Porch Patio – Lot 389, 9346 Mulligan Way, Delmar, MD, as proposed with the conditions that the setback on the southern property line be increased to a minimum of 10 feet, the structures fit within the setback line and a new survey with the new plan be submitted. A motion was made/seconded (Jones/Wilson) and carried by roll call vote of 4 Ayes.

3. Brock Parker/Parker and Associates – New Home Build – 63A, 9101 New Bridge Drive, Delmar, MD – Mr. Nilesh Patel presented a new home build as referenced per the attached

drawings. Deputy Mayor Lenox mentioned a site plan, and front as well as end elevations have been submitted for the new home.

Deputy Mayor Lenox asked was there anything on the property right now. Mr. Patel answered no. He further asked were two lots being combined. Mr. Patel further answered yes. Mr. Patel mentioned there was a question about the driveway, he explained where the driveway is on the site plan. Commission Member Outten asked was this an R-2. CDC Hardin answered it's an R-2 in Bridgewood Estates.

Deputy Mayor Lenox questioned if there is anything on a corner lot that the Commission should know about. CDC Hardin responded the setbacks are 15 on the side for the corner lot; the rear and the front stays the same. Commission Member Wilson asked did the rear setback change on the corner lot. CDC Hardin further responded no. Commission Members Wilson and Outten explained the side, front and rear setbacks on his submitted site plan to Mr. Patel. CDC Hardin explained the residential zones both the R-1 and R-2 are going to be 32 feet unless there has been an exception given as in some of the Wood Creek situation. Mr. Patel inquired about an exception. Commission Member Wilson explained he would have to go in front of the Board of Zoning Appeals.

Mr. Patel said he just combined the lots. He asked what are the chances of subdividing the lot again because the way the Commission is suggesting the house is not going to fit, so he might

as well just subdivide the lot. Commission Member Outten explained when he combined the lots the setbacks were changed. She also explained he should consider talking to his engineer before subdividing his lot and explained which setbacks would have to be changed.

Deputy Mayor Lenox inquired if the two lots comply with the current standards. Mr. Patel replied he thought so. Commission Member Outten commented it was standard per R-2. CDC Hardin added he thought they were buildable lots before they were combined; he thought the intent in combining them was to build this bigger house but it would still require configuration of a house that would fit on those spots even after combining them. Mr. Patel responded if he subdivided them again, he is aware that it would have to go to the county but this Commission has a say in it as well. CDC Hardin responded the submittal would have to come back through the same process as it did when Mr. Patel combined them. Commission Member Wilson suggested for Mr. Patel to talk to his engineer. Deputy Mayor Lenox said the arguments would probably have to do with the shape of the property and at the same time it's two houses for one. Mr. Patel mentioned it took him a year and a half just to get this done and if this doesn't work, he might as well subdivide them. He further said talk to Brock Parker about the alternative as discussed. Commission Member Outten explained who the three members of the Maryland Board of Appeals are.

Mr. Patel asked would Brock Parker get any information from this meeting or would CDC Hardin be in contact with Mr. Parker. CDC Hardin answered once he receives the disposition yes, he could talk to him and let him know. Mr. Patel commented Mr. Parker should have known this was a problem. CDC Hardin agreed, the site plan is different; there are two properties, it was actually submitted for sediment and soil conservation as opposed to a site plan that we are accustomed to seeing. Deputy Mayor Lenox said it just appears much more detailed than normally. It appears that it is not in compliance with the zoning. Mr. Patel commented he will talk to his engineer's tomorrow. Commission Member Wilson informed Mr. Patel that he does have the option of withdrawing his application tonight but he would have to come back if he redesigns the house. Mr. Patel responded he is not going to do that. Commission Member Outten asked was the lot behind him built yet. Mr. Patel answered no.

Deputy Mayor Lenox called for a motion to table – Brock Parker/Parker and Associates – New Home Build – 63A, 9101 New Bridge Drive, Delmar, MD. A motion was made/seconded (Jones/Wilson) and carried by roll call vote of 4 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 387, 9342 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson mentioned there is a vacant lot on one side and a Hudson on the other; this Allegheny is an Elevation A.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 387, 9342 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes.

5. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 338 A, 9373 Mulligan Way, Delmar, MD – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson mentioned this Hudson is Elevation C with an Allegheny on one side and vacant on the other side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 338 A, 9373 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes.

Public Comments –

Deputy Mayor Lenox commented there is no one via teleconference.

Deputy Mayor Lenox said there is a change that took place at the Council and Commission level which changed the regularly scheduled meeting and there will not be a June meeting. This impacted the scheduling of this Commission meeting. In order to have recommendations it has been suggested that the meeting be moved to Thursday, May 19th. He further said he will not be in the state the week of that month but if there is a quorum, he had no problem with the meeting being held. Council Member Jones, and Commission Member Outten responded they are available that day. Commission Member Wilson said she could work her schedule around that meeting. She further said she will attend via teleconference.

Commission Member Outten commented this Commission needed another Maryland Commission Member. Deputy Mayor Lenox agreed. He said there have been discussions, and he is aware the mayor is working on that. The last discussion they did have a name and it's a matter of confirming that; he thought they understood the need.

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

Vondell Spencer
Clerk of Council