

Planning & Zoning Commission Meeting
October 27, 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 and Beverly Wilson. Key personnel: Town Manager Jeff Fleetwood, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Tom Bauer and via teleconference Ryan Conway, Kerri Ellinger, Paula Fisher and Chris Brown. Absent: CDC Hardin and Commission Member Shawn Johnson.

Called to Order:

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

Approval of Minutes –

A motion was made and seconded (Wilson/Outten) to approve the September 22, 2022 meeting minutes as circulated by roll call vote with 4 Ayes 1 Absent (Johnson).

Old Business –

None.

New Business –

- 1. Saylor Guy/Ryan Conway (McCrone) – Lot Line Adjustment and Subdivision – Bi-State Blvd., Delmar, DE** – Mr. Conway presented a lot line adjustment and subdivision as referenced per the attached drawings. Deputy Mayor Lenox explained this application is to redivide property located on Bi-State Blvd. owned by Shore Properties. This property is in the community business zone and involves the elimination of an existing lot line and division so the result is three commercial lots.

Deputy Mayor Lenox noted CDC Hardin is on vacation this week. If anyone has any questions CEO Peek is in attendance and will do her best to answer them.

Commission Member Wilson commented typically on our surveys, the lines are from the front of the lot to the building setback. So, she said she thought this Commission would have to make note on the record that the dash line on the interior parts of these lots is according to the correct setback. Mr. Conway asked is 40 feet not the correct setback? Deputy Mayor Lenox answered it would appear that you have the building envelope defined. Also, for the record he thought what Commission Member Wilson was

suggesting is that the Commissions understanding that the envelope accurately represents the zoning setbacks. Mr. Conway responded yes it should because we have the building setbacks. They are not dimensions but there is a number on the dash line saying how far back they are from the property line which coordinates with the Town's code.

Commission Member Wilson replied correct and she just wanted to note that for the record. She asked if Mr. Conway knew the purpose for those lots? Mr. Conway further responded no, the client just told him he would like to subdivide and just sell the lots to future buyers. Commission Member Wilson further asked Mr. Conway what the situation was with the existing one-story dwelling? Mr. Conway further responded as far as he was aware it still remains.

Deputy Mayor Lenox asked Mr. Conway if he was proposing any further construction at this time? Mr. Conway answered all that they are proposing right now is just to subdivide the lots and they are not proposing any construction. Deputy Mayor Lenox said there is a non-existing nonconforming setback in the front reflecting the existing building. Obviously, any new construction will have to comply and reflect the building envelope being shown. Mr. Conway responded correct.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Saylor Guy/Ryan Conway (McCrone) – Lot Line Adjustment and Subdivision – Bi-State Blvd., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

Deputy Mayor Lenox noted the DE Council convenes on November 7th.

2. **Kerri Ellinger – New Deck – Lot 267 A, 9490 Song Sparrow Circle, Delmar, MD –**
Ms. Kerri Ellinger presented a new deck as referenced per the attached drawings. Deputy Mayor Lenox noted in the meeting packet is an HOA signoff letter. There is also an updated engineering plan documenting the setbacks which was at the request of CDC Hardin.

Ms. Ellinger said she went back and measured the yard again to make sure the plans would fit 3 feet. There is a fence that she had installed with a permit last spring which is 1 foot off of the property line. The deck would be at least two feet from the fence. Deputy Mayor Lenox asked Ms. Ellinger if that's the side property line she was speaking of? Ms. Ellinger answered yes.

Deputy Mayor Lenox said it appears that CDC Hardin's comments have been addressed.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Kerri Ellinger – New Deck – Lot 267 A, 9490 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

3. **Paula Fisher – New Deck – Lot 272 A, 9569 Song Sparrow Circle, Delmar, MD** – Ms. Fisher presented a new deck as referenced per the attached drawings. Deputy Mayor Lenox said the HOA signoff letter is in the mail packet.

Deputy Mayor Lenox asked Ms. Fisher if she was aware the phrase looks to be deleted that CDC Hardin was referencing and was that the case? She answered yes it has been deleted and was supposed to have been deleted in enough time to be received in everyone's packet as well. He further asked is this the change that the land surveyor made or did she just whiteout his plan? She further answered the land surveyor made the change, sent her a new site plan, new seal, etc.

Commission Member Outten noted the email from CDC Hardin is dated the same date as the seal/signature.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioner for – Paula Fisher – New Deck – Lot 272 A, 9569 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Wilson) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 375, 9161 Clubhouse Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Deputy Mayor Lenox noted this new home build is directly adjacent to the clubhouse. Commission Member Wilson noted for the record there is an existing dwelling on one side and entrance to the clubhouse on the other. Deputy Mayor Lenox stated that is actually a drainage area adjacent to the parking lot.

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 375, 9161 Clubhouse Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Jones/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 380, 9318 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Deputy Mayor Lenox noted this is the model unit that is for reference out there. Commission Member Wilson noted for the record Bramante's are on either side of the property.

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 380, 9318 Mulligan Way, Delmar, MD, per the

attached drawings. A motion was made/seconded (Outten/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

Public Comments –

1. Commission Member Outten noted for the record that in the last couple of days she has witnessed some good people doing good things. Three of those people work for this Town. She thanked Clerk of Council, Vondell Spencer, for helping a resident with a special request, which was very kind. She further noted she watched Sgt. Bond and Chief Barkley pushing a pick-up truck into a parking space. She said there are still good people in this world. Deputy Mayor Lenox noted for the record he appreciated that as well.

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Outten/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

Vondell Spencer

Clerk of Council