



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MAY 14, 2014**

- I. Jeff LaBar called the meeting to order at 7:04 p.m. In attendance were, David Coull, Nancy Feuerle, Keith Pardieck, Lee Phillips, ~~Megan Reiser~~, Commission Members, Christopher Jakubiak, Planning and Zoning Administrator, and Fran Addicott, Secretary. Commission Member Megan Reiser was absent.

Chairman LaBar took this opportunity to announce Tim Stafford's resignation to the Commission Members. Chairman LaBar said he was sorry to see him go. Nancy Feuerle said she appreciated his expertise.

- II. **Approval of the May 14, 2014 Agenda.**

MOTION: Mrs. Feuerle moved to approve the agenda of the ~~March 12, 2014~~ ^{May 14, 2014} Planning and Zoning meeting. Seconded by Mr. Pardieck, all in favor.

- III. **Approval of the amended Minutes of the March 12, 2014 Planning and Zoning Meeting.**

MOTION: Mr. Phillips moved to approve the minutes of the March 12, 2014 Planning and Zoning meeting. Seconded by Mrs. Feuerle all in favor.

- IV. **REVIEW SUBDIVISION/LAND CONDOMINIUM PLAT-RICHFIELD STATION, TOWNHOUSE SECTION.**

Mike Roepcke of Richfield Station II Joint Venture has submitted a final plat for the Richfield Station subdivision. Phase 1, 2, and 3 of the Land Condominium Phasing Plan, for Townhouse Condominium VI, which includes Units O, P, and R. These three condominium townhouse groups are located near the end of Crest View Lane and match the three groups of condominium townhouse groups that were approved as a revision to the Development Plan by the Planning Commission on March 14, 2012. Copies were available to the Planning Commission Members. Mr. Jakubiak is pleased to see the six foot wide storm drain easements shown along the back of the individual townhouses as recommended previously when we reviewed the plans. This will make it easier for him to review the deck permits as they are submitted. This approval would make it possible for the lots to be recorded and the parcels to be sold, developed and occupied.

MOTION: Mr. Phillips made a motion to approve the final plat for Richfield Station. Seconded by Mr. Coull, all in favor.

V. DEVELOPMENT ON INFILL LOT, DISCUSSION AND REVIEW POSSIBLE ZONING AMENDMENTS.

Mr. Jakubiak discussed the Memo "Infill Development on Non-conforming Lots. The current zoning does not promote infill development. It instead requires applicants to obtain variances, which can take multiple months just to get a hearing. The Board of Appeals standards can be difficult to meet. The lack of clarity and purposefulness in the ordinance causes the Zoning Administrator to look to other sections of the Zoning Ordinance to administer the development review process, sections that were not intended to address new development on old non-conforming lots.

The following were some concerns:

- Mr. Phillips was concerned about the side yard setbacks. The County requires fire walls for structures.
- Mr. Phillips asked Mr. Jakubiak about the percentage of lot sizes. Mr. Jakubiak will get the numbers for him.
- Mr. Jakubiak talked about a full set of standards, streamlining infill and clarifying when someone needs to go to variances.
- Buildable volume, which is what the zoning allows to be occupied with a building.
- Mr. Coull had questions about rebuilding a new or an existing house, adding to the size and height.

The variance process was discussed from section 290-32.

The simplest objective is to modify the wording in the Town Zoning Ordinance so someone would be able to make changes to an existing house on the same footprint without going to the Board of Appeals. Currently obtaining a variance can take several months, and of course, approval is not always certain.

The Planning Commission would have to agree on the change of the scheduling for the Board of Appeals so Applicants can get approval faster.

PUBLIC COMMENT

Theresa York – 7150 Old Bayside Rd. Chesapeake Beach, MD 20732

There being no further business, the meeting adjourned at 8:45 pm on a motion by Mr. Coull. Seconded by Mrs. Feuerle, all in favor.

Fran Addicott



Secretary of Planning and Zoning

MEMORANDUM

To: Planning and Zoning Commission
cc: Sharron Humm, Secretary of the Board of Appeals
cc: Chairman and Members of the Board of Appeals
From: Christopher N. Jakubiak, AICP
Date: June 26, 2014
Re: In-kind Redevelopment on non-conforming lots,
Amendments to Zoning Ordinance

As directed, provided below are three draft amendments to the Zoning Ordinance that bring about the changes discussed at the May 2014 Planning Commission meeting. This will be on the Planning Commissions July 9, 2014 meeting agenda.

Bold font – proposed new text
~~Strike through font~~ – proposed deleted text

1. Amend Section 290-32(D) as follows:

Purpose: Reduce the time it takes to get before the Board of Appeals for applicants needing a variance.

Section 290-32

D. Receipt of applications, notice of hearings. Applicants for a special exception, variance, or appeal from alleged error of the Zoning Administrator or the Planning and Zoning Commission, acting in an administrative capacity, may be accepted at any time **and shall be scheduled for the earliest regularly scheduled Board meeting, or sooner if such meeting is called by the Chairman, following the 15-day period for public notification provided in subsection (1) below.** Those applications received on or before the 15th of the month (the "cutoff date") shall be scheduled for a hearing at the regular Board of Appeals meeting date in the second month following the cutoff date, unless the Chairman of the Board of Appeals calls a special meeting on a particular application or applications. All required elements of the application, including any required comment letters from other agencies (including the Critical Area Commission) must be submitted with the application for a hearing to be scheduled. Upon a hearing being scheduled, notice of the hearing shall be as follows:

(1) At least 15 days prior to the date fixed for public hearing, public notice containing the name of the applicant or appellant, the date, time and place fixed for the hearing, and a brief statement of the special exception sought by the applicant, or the error alleged by the applicant, or the variance or other question which is subject to appeal in at least one newspaper or general circulation within the Town.

(2) Post in a conspicuous place on the property involved a notice of pending action containing the same information as in Subsection D(1) above, such posting to take place at least 15 days prior to the date fixed for the public hearing.

(3) Give written notice of the time and place of such hearing sent by registered mail to the applicant or appellant and to the owners of property contiguous to or opposite the property affected.

(4) ~~At least 30 days before the date of the hearing on an application~~ **Upon receipt of an application**, for a special exception, interpretation, or variance, the Secretary of the Board shall transmit a copy of said application to the Planning Commission, together with a notice of the aforesaid hearing

2. Add a subsection to 290-19(D) as follows:

Purpose: Allow in-kind replacement of non-conforming single-family dwellings without the need to obtain a variance.

290-19(D)

3. Within any district where single-family dwellings are permitted, a single family detached dwelling may be constructed as an in-kind replacement of an existing lawful single-family detached dwelling without regard to the setback standards of 290-19C provided the following conditions are satisfied:

- a. The application for construction of the new dwelling shall be submitted at the same time as the application for demolition of the existing dwelling.
- b. The replacement dwelling is located on the same footprint as the house to be demolished or no closer at any point to any side, front, or rear property line than the existing dwelling.
- c. The height of the replacement dwelling shall be no greater than the house to be demolished, except that only such additional height as may be required to adhere to the flood protection elevation as defined by the Town's Floodplain Management Ordinance is allowable up to but not exceeding the maximum building height required by 290-19C.
- d. Upon receipt of an application under the terms of this section, the Zoning Administrator shall notify in writing owners of property adjacent to and immediately across the street from the subject property. Such written notice shall provide such owners ten (10) days to submit written comments on the proposed plan prior to any decision on the application.

3. Amend Section 290-28C(1) as follows:

Purpose: Provide cross-reference in the text of the ordinance.

290-28C (1) **Except as provided in Section 290-19D(3)**, a use of land or structure which does not conform to the regulations of Article III shall not be altered, reconstructed, extended, or enlarged except in accordance the following provisions...