



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING COMMISSION MEETING MARCH 27, 2024

- I.** Commission Chair Kathleen Berault called the meeting to order at 6:00 pm. In attendance were Chair Berault, Laura Blackwelder, Larry Brown, Vice-Chair Cindy Greengold, Kelly Hauhn, Jan Ruttkay, and Rachel Larsen-Weaver, Commission Members, Sarah Franklin, Town Planner, and Sharon L. Humm, Commission Clerk.

Chair Berault asked for a moment of silence for the families impacted by the failure of the Francis Scott Key Bridge. Keep them in your thoughts and prayers.

II. Approval of the March 27, 2024 Planning Commission Agenda

MOTION: Vice-Chair Greengold moved to approve the March 27, 2024 Planning Commission agenda. Seconded by Commissioner Ruttkay, all in favor.

III. Approval of the February 21, 2024 Planning Commission meeting minutes

MOTION: Commissioner Ruttkay moved to approve the February 21, 2024 Planning Commission meeting minutes. Seconded by Commissioner Brown, all in favor.

IV. Public Comment on any item on the agenda –

1. Clint Houck, 1095 Sollars Wharf Road, Lusby MD. Mr. Houck spoke in reference to agenda item V. Old Business, #1-Review of Section 290-19(F) of the zoning code regarding decks. He stated as a contractor, he had applied for two (2) deck permits, both for residents owning a townhome in the Bayview Hills subdivision, with both being denied. Mr. Houck elaborated on circumstances regarding each deck. He is requesting the Commission consider some relief that would allow for the placement of a reasonable deck for both residents. Mr. Houck addressed questions from the Commission.

V. Old Business

1. Review of Section 290-19(F) Zoning Code – The Commission received a staff memo from Ms. Franklin addressing “exceptions to projections into required yards and lot coverage.” Ms. Franklin stated the Town’s current code limits the ability of residents to add decks to townhomes and other attached single-family units due to the required open space on the lot and the required side and rear yards. Because these types of development typically have shared open space, the individual lots are smaller, meant to allow a small amount of private yard space. For townhomes and other attached single-family homes, decks are the preferred access to the private yard due to the interior layout of these homes.

There are two limitations in the code to the reasonable construction of those decks:

1. Required rear and side yard setbacks, which maintain a minimum of five feet of unimproved space along the rear and side property lines.
2. Lot coverage minimums that are meant to preserve open space in neighborhoods.

To address these two issues, Ms. Franklin is recommending that Section 290-19(F) of the zoning code be amended as presented in her staff memo. Ms. Franklin addressed questions and concerns from the Commission and after a lengthy discussion, the Commission directed Ms. Franklin to:

- 1) Review language for grandfathering of townhomes or single family attached dwellings that were built prior to *(insert date of adoption)* to rebuild an uncovered deck and
- 2) modify the proposed amendment as follows:

F. Permitted projections into required yards.

~~(1) Subject to Subsection J, the provisions of Subsection A shall not apply to fences or walls which are less than six feet above the natural grade, nor to terraces, steps, or other similar features not over three feet high above the floor level of the ground story.~~

- (1) Covered porches over 35 square feet or decks, whether covered or uncovered, shall not be permitted in the setbacks required by Subsection A, ***except as allowed in this Subsection F (3), below.*** Subject to Subsections J and M, the setback requirements of Subsection A shall not apply to accessory signs and off-street parking spaces.
- (2) Subject to Subsections J and M, the minimum side yard setback (E), minimum rear yard setback (F), lot provisions of Subsection A shall not apply to **an uncovered** deck or a porch less than **420 350** square feet for a townhouse or other single family attached dwelling, subject to the following:
 - (a) That the rear lot line of the subject property abuts permanent open space.
 - (b) That the side of any projection aligns with the side setback of the main building.
 - (c) Notwithstanding (a) or (b), no deck or porch shall be permitted in front yard **setbacks.**
- (3) Subject to Subsections J and M the minimum open space requirements (G) lot provisions of Subsection A may be **no less than up to 90% 10%** for **uncovered** decks, and porches less than **400 350** square feet when there are no other accessory uses on the lot where a townhouse or other single family attached dwelling is sited, provided that the lot abuts permanent open space in common ownership of the owners of the adjacent lots.

MOTION: Vice-Chair Greengold moved to direct the Town Planner to make the above modifications and submit to the Town Council for consideration.

Seconded by Commissioner Weaver, all in favor. **Motion Passes.**

Decks (and other projections) for lots with grandfathered non-conforming side setbacks.

Ms. Franklin stated lots that have dwellings predating the current zoning requirements can have non-conforming side yard setbacks. In order to reduce the burden on both homeowners and the Board of Appeals, staff would recommend the following addition to Section 290-19 (F).

(4) For any dwelling subject to Subsections D, subject to Subsection J, the provisions of Subsection A, minimum side yard setbacks (E) shall not apply for an uncovered deck or porch in the rear yard that is less than 450 square feet provided that the setback of the deck or porch align with the side setback of the main building and all other setbacks and lot coverage requirements are met.

Ms. Franklin addressed questions from the Commission. After discussion, the Commission made the following motion:

MOTION: Chair Berault moved to approve the addition of the above recommended language to Section 290-19 (F) of the zoning code. Seconded by Commissioner Blackwelder, all in favor. **Motion Passes.**

Before adjourning for the evening, Chair Berault wanted to update the Commission on a few items. She announced that Chesapeake Beach has been named a Tree City, thank you Green Team. Second, she gave an update on the Board of Education MOU in regard to the tennis courts.

Commissioner Blackwelder spoke briefly on the Beach Elementary tennis courts and then made the following motion:

MOTION: Commissioner Blackwelder moved to resend the original memorandum that the Commission sent to the Mayor and Town Council on July 27, 2023 emphasizing the importance of retaining the Beach Elementary School tennis courts and recommend the Town fund the refurbishment if there is no other option. Seconded by Commissioner Weaver. Ayes, Chair Berault, Vice-Chair Greengold, Commissioners Blackwelder, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

VII. Adjournment:

There being no further comments, Vice-Chair Greengold moved to adjourn the meeting at 8:27 PM. Seconded by Commissioner Weaver, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.