

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, September 5, 2017, at 7:00 p.m. with the following members present:

Leland Bonneville, Derek Bland, Darlene Kerr and Jason Pearce.

Also present were:

City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Guests were:

Bob Marvel and Joseph Schaffer.

Chairman Leland Bonneville called the meeting to order at 7:05 p.m. and acknowledged receipt of the minutes of the August 1, 2017, Planning Commission Meeting and the August 15, 2017 Planning Commission Work Session, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mr. Pearce seconded and the motion was approved by four votes in favor.**

OLD BUSINESS

1. Comprehensive Plan Review/Update

Mr. Bland reiterated that as various individuals had volunteered to assemble data for the updating of specific sections of the comprehensive plan manual, he offered the information he had researched pertaining to Shore Transit and stated that all relative information, routes and fees, can be found on their website, "www.shoretransit.org".

The Commissions then proceeded to review various sections of the manual commenting and making notations as to which sections needed to be revised and/or updated. Mr. Bonneville commented that the Fire Department's ambulance service needed to be listed in the Community Facilities Chapter.

Solicitor Mitchell reminded everyone that City Manager Psota would be providing updates for the water and sewer system as well as updated for the new water tower.

Mrs. Kerr commented that the Parks and Recreation info needed to be updated to reflect the annexation of the Crown Sports Center.

Solicitor Mitchell mentioned that other entities such as Y.E.S., Redmen, Falcons and Beach Bounders Gymnastics needed to be incorporated as well. He also mentioned, as it related to the educational section of the manual, that any references to Bennett Middle School needed to be updated to reflect its new location within city limits.

NEW BUSINESS

1. Variance Request to Maintain Multi-Family Use @ 106 Poplar Street

Mr. Joseph Schaffer came forward to present a request to maintain the multi-family use of his property located at 106 Poplar Street. He stated that he had purchased the home as a multi-family use property with the knowledge that he may not be able to maintain that status and therefore, was requesting the Commission to consider recommending approval of a Variance so that he could

retain the multi-family use. Mr. Schaffer further stated that had performed various maintenance work on the structure to bring it up to code. He also stated that his preference was to lease (at a cost of about \$700 monthly each) the two units to responsible couples as oppose to students so as to prevent any undesired issues from developing in that area of the neighborhood.

Mr. Bland asked if the property would have adequate off-street parking to support the multi-family use. Mr. Schaffer stated that he could possibly provide up to 5 spaces. Mr. Bland also asked for the total square footage of the dwelling. It was stated that the house was about 2,400 s.f. in total area and that it consisted of two bathrooms and kitchens, one of each for each unit, 2 bedrooms upstairs and two bedrooms downstairs. Also, there was an exterior entrance for the second floor unit and a shared first floor exterior entrance.

Mrs. Kerr then stated that she had a dilemma with allowing the continued multi-family use as others presently were and/or had been trying to do the same and that they were cited for such violations and, therefore, she did not think that approving a Variance for this situation would be fair. There were comments that the other violators never requested such permission even when they were encouraged to do so.

Mr. Schaffer continued with his appeal and stated that since there were a lot of multi-family properties already existing in close proximity, he felt that allowing the continued use of his structure would fit.

At that point, the conversation turned to the small dwelling fronting on Holly Street. Mr. Schaffer stated that he was told that he could probably get permission to maintain the use of the small house as well as the larger single family (without the multi-family use) dwelling on the single parcel. He was then informed that it was a possibility if he were to request a resubdivision of the parcel. He was informed that he could possibly get a variance if the parcel, upon submission of a resubdivision site plan, established that the new proposed lots were modestly substandard in size. He was told to get a survey of the existing parcel and follow up with the Commission.

Administrative Powell informed everyone that she originally thought the total square footage of the parcel was about 23,000 s.f. in area but later learned that MD Property Search records showed the parcel to be about 14,000 s.f. in area and, consequently, would present some challenges with qualifying for a resubdivision of the property without seeking a Variance.

Finally, while the majority of those present were sympathetic to Mr. Schaffer's circumstances, the Commission concluded that they were unable to give him a favorable recommendation to continue the multi-family use as requested due to the City's current zoning regulations. He was told that while the Commission would not be voting on the matter, he could still make an appeal to the Board of Zoning Appeals as they would have the final authority as to whether his request for a Variance to maintain the multi-family use of the dwelling was approved or denied.

Mr. Schaffer then asked if he was allowed to rent the duplex dwelling. He was told that he could do so as long as it was rented as a single family home. He also asked if he could use the smaller dwelling on the property, fronting Holly Street, as an accessory building if he were to gut the structure. He was told that that would be permitted.

At the conclusion of the appeal, Mr. Schaffer stated, due to future potential problems associated with that property, he most likely would place it back on the market for sale.

General Discussion

Derek suggested that there be another category added to the Planning Commission agenda to resolve the need to bounce back and forth from “Old Business” to “New Business” while the Comprehensive Plan review/update was ongoing. This would eliminate delaying the agenda items of potential guests. Everyone was in agreement with his suggestion. Administrative Powell then stated that she would follow through with the modification as suggested.

Mr. Bonneville asked if anyone was having conversations with the County concerning the buyback EDUs. Solicitor Mitchell replied, “yes”. He further stated that he, City Manager Psota, Mr. Wayne Strasburg and others had talked some weeks ago about the quantity of EDUs needed and cost to recoup them. Additionally, the County was asked if they were going to give some EDUs to the Crown Sports Center.

Mr. Bonneville then informed everyone that he would be meeting with Tracey Gordy, of the Regional Planning Office, within the next week or two and that she was going to assist him with determining what data and/or statistics, listed in the comprehensive plan, is required and what items may be discarded.

Finally, Mr. Bonneville proposed that the Commission set a date of September 19th, at 7 p.m., for its next work session. All agreed except Mr. Pearce as he was not going to be available due to a prior engagement.

With no further business to discuss, **Mr. Bland moved to adjourn and Mr. Pearce seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 8:00 p.m.**

Submitted by,

Linda J. Powell

Approved 10/3/17