

**Planning Commission
MINUTES – Regular Meeting**

**January 27, 2021
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, January 27, 2021. This was a virtual meeting. Also participating via Zoom were C. Davis, S. McIntire, R. Thomas, and J. Wheeler. The following staff members were present at City Hall: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Planning Commission Secretary.

REGULAR MEETING

Roll Call.

Commission members C. Ploscaru and J. Stone were absent.

Approval of Minutes:

January 13, 2021:

The minutes were not ready for approval.

Development Review:

Hillside Manor (1087 Klick Way and 1008 Brill Way, Final Plat, Case No. S-2020-12.

Staff Report: (Copy of the staff report is in the meeting file.) Staff noted that there has been renewed interest in completing the Hillside Manor subdivision which went dormant during the “Great Recession.” The developer is having issues with the building envelopes on Lots 18 and 19 and has submitted a plat that would reconfigure the two lots to create deeper building envelopes.

The final plat was routed to all review agencies for comment and all have approved it, with the exception of the City Engineer, the Water Division, and the Planning and Code Administration Department. A copy of the City Engineer’s comments was included with the staff memo.

There are existing forest conservation areas where protective tubing was installed around the saplings to protect them from animal damage. Staff noted that these tubes should have been removed before now and recommended that the developer remove all protective tubes from forest conservation trees no later than May 15, 2021.

**Planning Commission
MINUTES – Regular Meeting**

**January 27, 2021
City of Hagerstown, Maryland**

Staff recommended approval of the final plat, subject to the outstanding City Engineer, Water Division, and Planning and Code Administration comments.

Commission/Applicant Discussion: George Nagel of Fox & Associates, Inc., was present on behalf of the developer. In response to a comment by Mr. Wright, Mr. Bockmiller stated that sidewalks will be installed in front of these two lots as part of the building permit for the houses that will be built on the replatted lots. Concerning the outstanding Water Division approval, Mr. Bockmiller noted that all the utility connections were approved with the initial plat; those connections will not change

MOTION: (Thomas/Davis) I will make a motion that we approve the final plat, subject to the satisfaction of the outstanding comments.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

1329 Pennsylvania Avenue – Barbara Bacon – Waiver Request to Design Standards for a Fence.

Staff Report: (waiver request application is in the meeting file): This property is contiguous to residential zoning at the rear and to the side. The property contains an office use with associated rear yard parking. There is a trash receptacle area along one side of the property. The applicant proposes to install a seven-foot tall vinyl privacy fence along the side property line to screen their dumpster from the adjacent residential property and keep their use of this area from affecting the neighbor's fence. The code requires a ten-foot landscaped buffer outside of the fence. Given this is a long-existing condition, there is no tool available at the City's disposal at this time to require a trash enclosure.

The Zoning Ordinance would permit the adjacent resident to install a seven-foot tall privacy fence on the property line since it is adjacent to commercial zoning. They already have a six-foot fence, and have complained about the applicant stacking trash bags against their fence.

Given the existing conditions on the property, the applicant seeks a waiver to eliminate the required ten-foot landscaped buffer outside of the fence, in order to permit the construction of the fence on the property line. Given the existing conditions, staff supported the waiver request and recommended approval.

Commission/Applicant Discussion: No one was present on behalf of the applicant. Mr. Wright asked if any consideration had been given to installing a larger dumpster. Staff pointed out that the waiver request concerned eliminating the required landscaped buffer. In addition, there was

**Planning Commission
MINUTES – Regular Meeting**

**January 27, 2021
City of Hagerstown, Maryland**

no record of complaints by the neighbor concerning stacked up trash in the Code Administration file. Mr. Wright disagreed stating that the commission’s job is to represent the citizens of Hagerstown and believed the commission did have the right to investigate ways to improve things as long as it does not go against the ordinance.

Since the applicant was not available to explain their position, it was suggested that the matter be tabled to investigate other options. Mr. Thomas asked for more research to see if the situation could be made better, including speaking with the applicant about the commission’s concerns.

MOTION: (Thomas/Davis) I make a motion that we table the issue right now until we look further into it.

DISCUSSION: None.

ACTION: APPROVED (YES – Davis, Thomas, Wheeler, Wright; NO - McIntire)

City Chapel – 227 East Washington Street – Request to Extend 180-Day Approval Period, Minor Site Plan, Case No. SA-2019-03.

Staff Report: (staff memo is in the meeting file) The latest extension of the site plan approval for this use is set to expire. Therefore, staff placed it on the agenda for further action to either approve it without further requirement for renewals, re-approve it for a certain period of time subject to renewal, or allow the site plan to expire. Staff noted that if the commission decides to allow the site plan to expire, it should be based on solid grounds to do so.

Commission/Applicant Discussion: Pastor Zach Camp and Doug Hicks were present. Mr. Thomas noted that indoor/outdoor carpeting has been put down. Pastor Camp explained that they put the turf down to help control erosion until the grass starts growing again. Commission members still want the opportunity to review this plan every six months and agreed to grant another 180-day extension. Ms. Maher stated that the church needs to continue to renew its building permit.

MOTION: (Wheeler/Thomas) I’ll move approval of the site plan renewal for 180 days.

DISCUSSION: Mr. Wright asked if there is a cost for the building permit. Staff indicated that there is a building permit fee each time the permit is renewed.

ACTION: APPROVED (Unanimous)

Workshop: 410-412 Wyoming Avenue – Subdivision Waiver.

Staff Report: (staff memo is in the meeting file) This property is improved with two dwellings: one fronting Wyoming Avenue and a second in the rear yard fronting the intersection of two

alleys. The structure along the alleys is a two-story frame building. The owner would like to subdivide the two dwellings so they may be sold separately. Separate water and sewer lines would be required if they do not already exist. Staff noted that given the front house uses much of the width of the lot, creating a pipestem to meet the letter of the ordinance to provide frontage on a public street does not appear to be a workable solution. In order to achieve this subdivision, a waiver would be required to permit the creation of a lot for a dwelling that does not have public street frontage. Staff suggested the owner meet with the commission to discuss how receptive commission members would be to a request for a waiver.

Commission/Applicant Discussion: Holly McCall, realtor, and Helen Fausnaught, owner of the property were available through Zoom. Ms. McCall clarified that the owner only plans to sell the back property which contains two dwelling units. According to the owner there is approximately 20 feet between the house that fronts Wyoming Avenue and the property line. Staff noted that anything less than 25 feet would require a waiver. Ms. Fausnaught stated that there would be no more traffic in the alley than already exists.

Commission members had concerns about creating a lot that would not benefit from City services such as snow removal and trash collection. The current owner might not have an issue with this situation but future owners might not be as willing to pay City taxes without receiving City services that are provided to other property owners. This could lead to complaints to elected officials that they pay taxes for services they do not receive. Ms. Fausnaught indicated she had no reservations about adding lines for utilities so the back lot would have its own services.

Staff stated that if the commission is inclined to allow the subdivision, waivers would be necessary or a pipestem would need to be created to Wyoming Avenue. Staff believed the better choice would be to waive the street frontage requirement rather than creating a pipestem.

Commission members agreed that the lot should not be subdivided.

Planning Commission Business:

Board of Zoning Appeals – February Agenda.

After discussion, commission members decided not to comment on a variance request for a shed to be located within one foot of the side property line at 31 Belview Avenue.

**Planning Commission
MINUTES – Regular Meeting**

**January 27, 2021
City of Hagerstown, Maryland**

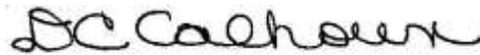
Announcements.

- Staff was directed to look into placing a microphone in the middle of the table for Zoom meetings. It is difficult to hear what staff is saying.

Adjourn. It was moved and seconded that the meeting adjourn (7:55 p.m.)

2/24/2021

Approved



Debra C. Calhoun – Secretary