

**PLANNING AND ZONING COMMISSION  
MINUTES  
July 7, 2015**

**ATTENDEES:**

**Members**

Pam Buckley  
John Staley  
Lauren Taylor  
Peck Miller

**Staff**

Blaine Smith  
Kay Stroud  
Will Esham

**6:45 PM**

**I. APPROVAL OF MINUTES**

Minutes of May 5 & May 19, 2015

**MOTION/Taylor**      **SECOND/Miller**      Motion made to unanimously (4-0-3)  
Commissioners Brous, Shanahan, and Gillis absent, to approve both sets of minutes as presented.

**II. PUBLIC HEARING – 7:00 PM**

1) Proposed Code Amendment to Section 110-906(b)(2)e as follows:

e. Minimum width of each side yard: Five feet for one-, two-, or three-story buildings, ten feet for four- or five-story buildings. None required for interior units **and pre-existing end units that predate July 20, 1970 and which did not provide a side yard setback.**

**APPLICANT: PLANNING & ZONING COMMISSION (FILE #15-14100004)**

As per motion and second by the Planning Commission on June 2, 2015, the Planning Commission held this public hearing as a proposal to amend the zoning code, as described above.

Joseph E. Moore, Esquire, presented the proposed amendment as a “fair and equitable” remedy to the end units of specifically (yet not exclusively if others are found to fit this criteria) Surf Village, Sea Village, Ocean Village, and Sun Village – townhomes that were developed by Mike Lynch and sold fee simple, leaving 10 foot strips to the north and south. These were deeded by Mr. Lynch to the Mayor and City Council in 1975. The Mayor and City Council in turn deeded them to the State of Maryland in 2005 as part of the beach replenishment program. Mr. Moore argued that these 8 end units were denied the right to expand eastward because a side yard setback is required to do so, but not of the interior units, that presumably can expand eastward to the front yard setback along Atlantic Avenue without having to supply a side yard setback.

Demetrios Kaoris represented the Lizas and Jarema families of Units #2 and #11 of Surf Village, arguing that this was solely to benefit the Little family who owns Unit #1, the northernmost unit, which had a building permit issued and then challenged administratively at the Board of Zoning Appeals level three months prior, resulting in the rescinding of the permit due in part to the existing side yard setback violation. Several unit owners offered testimony in opposition to the proposed amendment.

The Commission found that the homeowner's association had let covenants expire that would've helped them with this issue. After further discussion, the Commission determined that a relief valve does exist through the Board of Zoning Appeals to apply for variance or special exception without amending the zoning code.

**MOTION/Taylor      SECOND/Miller**      Motion made to not accept the proposed code amendment and to not favorably recommend the proposed amendment to Code Section 110-906(b)(2)e for consideration by the Mayor and City Council. Vote was unanimous (4-0-3) with Commissioners Chris Shanahan, Joel Brous, and Palmer Gillis absent.

**ADJOURNMENT – 9:15 PM**

*John Staley*      9/1/2015  
JOHN STALEY, SECRETARY      DATE