

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
June 7, 2018

I. Call Meeting to Order:

Chairman Brad Connor called the meeting to order at 6:00 p.m.

Those in attendance were: Chairman Brad Connor, Commissioner Earl Savage, Commissioner Cindy Gallimore, Commissioner Scott Crater, Town Administrator Cindi Brought, and Town Engineer Kyle Gulbranson. Co-Chairperson Cathy Flowers was absent. Please see the sign in sheet for others in attendance.

II. Public Comment:

No public comment was made.

III. Approval of Agenda

Commissioner Savage made a motion to approve the agenda. Commissioner Crater seconded the motion. All in favor.

IV. Approval of Minutes:

A. May 3, 2018 – Planning and Zoning Meeting minutes

Commissioner Savage made a motion to approve the May 3, 2018 meeting minutes. Seconded by Commissioner Crater. All in favor.

V. New Business:

A. Change of Use Application – Shipwrecked

Terry and Vicki Ober, owners of the property and business were present to explain their application. They are looking to change their current property from a business into residential use. They have many reasons, but the main one is that their line of business is getting more difficult because it is getting to be a very saturated business. They love the building, the town, and the history. Right now, a residence makes more sense. They have 2,500 square feet of space upstairs that they are not able to use and it would cost a lot of money to be able to use it for the business. They feel if they are going to put that much money into it, they would rather go in the residential direction. The upstairs would cost them \$25,000 to \$30,000 for it to be useable for retail space.

Mr. Ober gave the Commission some background information. They initially started their business in Grasonville, Maryland. The property they rented was sold by the owner to Wawa. Their business was unique in Grasonville, but they have found that here, there are several similar businesses around. Mrs.

Ober's parents are in their late 70's and are considering their future. Mr. Ober is looking forward to retiring for the second time. They are looking at beginning the change to residential in September.

Chairman Connor asked about the bowling alley in the building. The Obers responded it would stay – they are not tearing out anything. Mrs. Ober stated they want to keep as much of the history and architecture of the building as they can. They might add some walls to make bedrooms, but want to keep it so that it can be changed back to commercial in the future if somebody wanted to. The floors will remain, but they will probably put rugs down.

Commissioner Crater asked if the Obers will be living there or if it will be apartments. The Obers will be living in the residence – they will not be renting. Commissioner Crater asked if apartments would be allowed if they wanted to do that in the future. Mr. Gulbranson replied that in the Town Center District, single family homes are permitted, but only apartments above a business are allowed.

The Obers asked if they would be able to use the second floor if it was changed to a residence. Mr. Gulbranson replied that the town's requirements would just be for the them to submit their plans – for the addition of a kitchen, bathrooms, walls, etc. for building permit purposes. The county would then ultimately approve it. Chairman Connor asked if they need to have any hearings or anything else. Mr. Gulbranson replied that they shouldn't. Mrs. Ober stated that most of the building will be left open. Mr. Ober asked if their changes go to Planning and Zoning and Mr. Gulbranson replied they would just go to Town Administrator Brought. They would need to get a building permit application and attach plans to it and submit them. Mr. Gulbranson stated they aren't planning on expanding the existing building so there are no issues there. Mr. Ober agreed – the back property line is only one foot from the building and the side toward Town Hall is only fifteen feet away so they wouldn't be able to expand anyway and they don't need to with 9,000 square feet.

Chairman Connor stated they don't really need a time frame for the next meeting because they can just submit their plans when they are ready. Mr. Gulbranson stated they'll submit their permit and plans to the town, which will issue a building permit and then they take that to the county. The county would then do the inspection based on the plans submitted.

Mr. Gulbranson stated the only question will be when the business will stop and the work to change to a residence will start because the signs will need to come down. The Change of Use will need to go before Town Council on June 18th, but then the permitting process will go to Town Administrator Brought.

Commissioner Savage made a motion to approve the change of use application to change Shipwrecked from a business to a residence. Commissioner Gallimore seconded the motion. All in favor.

B. Change of Use Application – Holistic Hair & Company

Ms. Rosana Dorsett was present to request a change of use for her property at 29467 Vines Creek Road, across from the florist. She would like to have a hair salon in her home. The only change she really needs to make would be to add a sink bowl.

Mr. Gulbranson asked about employees. Ms. Dorsett stated there would be no employees other than herself. Mr. Savage asked if she would be living there also. Ms. Dorsett stated she will be.

Chairman Connor asked if this is a permitted use. Mr. Gulbranson replied that the town has a definition of a home occupation – some type of business being conducted in the house, where the owner of the business lives at the residence. Under the town’s definition, the business can have one employee who is not living in the house, but no more than one. Ms. Dorsett’s plan sounds like it would fit under the home occupation definition. This is good for her because if more employees were coming in, it would change the requirements. Ms. Dorsett stated she might look at that later on, but that right now she is not interested in expanding at that level.

As a home occupation, no more than 900 square feet of the residence can be dedicated to the business and a two square foot sign is allowed. The purpose in this is that they want a home occupation to still look like a house, not like a business. Mr. Gulbranson did point out she would need a cosmetology license from the state. Ms. Dorsett has already given a copy of that to Town Administrator Brought.

Mr. Gulbranson stated it’s a very simple Change of Use. Chairman Connor asked for the next step. Mr. Gulbranson and Town Administrator Brought replied it is the same process as Shipwrecked – they recommend approval for the change and it then goes to Town Council. Mr. Gulbranson informed Ms. Dorsett that if she is making an interior changes, such as moving walls, she’ll need building permits. He also informed her if she does substantial changes, she’ll be subject to more approvals such as the fire marshal. They consider it to be a place of public assembly and will require much more work to be done so she will need to keep that in mind.

Town Administrator Brought confirmed with Mr. Gulbranson that if it is just Ms. Dorsett, it wouldn’t change the number of EDU’s. Mr. Gulbranson replied that is correct – just one sink wouldn’t be enough to change that.

Mr. Savage asked if she would need to make the building handicap accessible. Mr. Gulbranson stated that if it is a home occupation, he doesn’t believe it needs to be. If she goes to the next level where she is hiring more employees and expanding, she would need to at that point.

Commissioner Crater stated that if she is not hiring any employees and is just putting one sink in, she is ready to go now; she doesn’t need to put in parking spots or anything like that. Town Administrator Brought and Mr. Gulbranson agreed.

Commissioner Crater made a motion to recommend approval for the Change of Use to Town Council. Commissioner Savage seconded the motion. All in favor.

VI. Old Business:

A. Addition to Sign Ordinance – Open/Closed Signage

The code does not address open and closed signs at all and Town Administrator Brought has been having issues with these around town. Therefore, this addition has been added to address this. They added a definition – an informational sign to be used by a town licensed business in order to designate if

the business is open or closed. The sign may be in any form, hanging or window, or a flag and must follow the size limits in the definition. The appropriate place to add this is in the general sign code that discusses signs allowed in any district in town.

Mr. Gulbranson read the addition to the ordinance. Mr. Savage stated whether they have the open or closed sign is optional. Mr. Gulbranson confirmed it is optional. However, he suggested maybe putting a cap on the size. Chairman Connor informed the Commission that the business group that meets in the town has the idea of having a uniform open flag, in which all of the businesses would have the same one with the same logo. Mr. Gulbranson stated a typical flag is about fifteen square feet (3'x5') so that would be an option for the maximum size. The Commission was in agreement for the size. Mr. Gulbranson stated it should be affixed to the building. Town Administrator Brought replied that would be difficult for some businesses, such as Jayne's Reliable. The Commission was in agreement to take out the part requiring it to be affixed to the building.

Commissioner Savage made a motion to accept the changes to the sign ordinance regarding open signs. Commissioner Crater seconded the motion. All in favor.

VII. Public Comment:

No public comment was made.

VIII. Adjournment:

Motion to adjourn was made by Commissioner Savage and seconded by Commissioner Crater. All in favor. Meeting adjourned at 6:27 p.m.

Respectfully Submitted,

Megan Thorp, Town Clerk