

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JANUARY 23, 2014  
MINUTES**

**Present:** Robert Olewine; Jared Roudybush; Shirley Hicks; Dawn Schwartz; Charles E. Cramer, Jr.; J. Craig Trostle, Jr., Director, Building & Zoning; Jason L. Allison, Esquire, Attorney

**Absent:** None

Mr. Olewine called the meeting to order at 7:00 p.m.

**ACTION:** Motion was made by Ms. Schwartz to approve the minutes from the November 21, 2013 meeting. The motion was seconded by Ms. Hicks and unanimously approved.

**CASE # 1458 – REQUEST OF CHANDRAKANT REPRESENTING BRIDGE STREET LIQUORS, 120 N. MAIN STREET, NORTH EAST, MARYLAND FOR THE FOLLOWING VARIANCES: 1) 27’6” FRONT SETBACK VARIANCE, 2) TO HAVE A SECOND SIGN AND 3) TO EXCEED THE ALLOWABLE SIGN SQUARE FOOTAGE BY 19 SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 701 BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 310, PARCEL 2437, ZONED C-2**

Mr. William Riddle was in attendance representing the petitioner of the submittal. He noted that the property had been North Street Liquors and was purchased by Jay Maharaj Santram, LLC (owned by Mr. Patel and his partners) and the store is now being run as Bridge Street Liquors.

He noted that the building is perpendicular to the road and therefore the existing signs are difficult for drivers passing by to see unless they turn their heads away from the road. He pointed out that the distance from the building to the road is 30’ which is also the setback for that property and therefore they will be required to place the sign within that setback area. He provided a rendering of the sign to the Board. He shared that the owners wish to place the sign close to the road. They would be placing the sign in the grass strip which is located in that area. He described the sign as being 4’ x 8’ and 3’6” off the ground. There would be 4x6 wooden posts that would hold each side of the sign and they would be placing the posts in concrete into the ground.

Mr. Riddle stated they are requesting to place the sign 2 ½ feet off the roadway and therefore would require a 27 ½ foot variance. The second request is for a 19 square foot variance due to the fact the sign they are requesting is 32 square feet. Mr. Olewine asked about whether the existing signage on the front of the building would remain. Mr. Riddle confirmed that the existing signage on the front of the building would remain. Ms. Hicks asked for clarification as to whether the wall sign on the side of the building which faces Bridge Street would also remain. Mr. Riddle confirmed that it would remain as well. Ms. Schwartz commented that this would therefore be a third sign for this business at this location. Mr. Riddle stated that he needed to drive by the property. Ms. Schwartz held up the picture of the sign which was provided in the

packet for the meeting. She asked for clarification from Mr. Riddle whether the sign she was referring to was not the one they were currently talking about. Mr. Riddle responded that she was correct and the sign she was showing was a portable sign. He stated that the sign they would be placing was a more permanent sign with posts in concrete.

Ms. Schwartz pointed out that there are also 'beer signs' at the property as well. Mr. Olewine asked if the request needed to be amended to show a third sign rather than a second sign. Mr. Trostle pointed out that the existing walls signs are grandfathered. What the Board is reviewing is a post sign which is not attached to the building. He further noted that the business could have numerous ground signs as long as they keep within the allowed aggregate permitted for the property.

Mr. Olewine inquired whether anyone had looked at the requested setback variance for any issues with visibility when entering or exiting the property. Mr. Riddle pointed out that the location of the entrance/exit and parking are different from where they are requesting to place the sign and therefore it would not block anyone's ingress or egress.

Mr. Riddle asked the Board to consider other business signs in that area. He pointed out that his client purchased this property and it is a different parcel than the shopping center. He noted that there is a 'similar' sign at the other end of the shopping center which sits perpendicular to the road. Since the liquor store is not part of the shopping center they cannot force the shopping center to allow them to place their business sign on the shopping center's existing pole sign. He stated they are asking for something that is similar to many businesses in this area. He said that a sign that is perpendicular to the road gives better and safer visibility for potential customers who are driving along Bridge Street.

Mr. Trostle interjected that upon review of the calculations by Mr. Bromwell (Chief Building Inspector for Town) regarding this submittal the placement of the sign they are requesting will be approximately 12 feet back from the edge of the roadway. Ms. Schwartz asked for clarification regarding what they are allowed to have in the way of signage. Mr. Trostle stated that the banners require a permit but that he was not sure if a permit had been issued. With respect to the 'beer' signs he stated that they are not supposed to have those particular signs but that he would not enforce that regulation. When she asked him why he wouldn't enforce the regulation he stated that there is another business in the vicinity and he can't touch that business with regard to their signage. Discussion ensued regarding what Mr. Trostle was referring to. Mr. Trostle said he was not allowed to address that property.

Ms. Schwartz voiced her concerns with all the signage along Bridge Street it is beginning to look like 'Kirkwood Highway' and since she lives and works on Main Street she doesn't like the way it is making the Town look. Ms. Schwartz asked if Mr. Allison could elaborate on this issue. Mr. Allison stated that although he was not aware of the issue Mr. Trostle was referring to, his understanding is that since Mr. Trostle is unable to enforce the Ordinance against one location that it would be 'arbitrary and capricious' to enforce it at similar establishments. Discussion ensued regarding the picture of the sign provided in the packets and its relationship to the sign being requested. Mr. Riddle stated that they would not be placing a temporary sign that it is more of a permanent sign with posts that would be concreted into the ground.

Mr. Roudybush asked if there would be electric to the sign. Mr. Riddle stated that there would be electric provided for the sign. There was additional discussion regarding the number of signs at businesses along Bridge Street near the liquor store. Mr. Cramer asked if there were any issues with advertising a liquor store within a school zone. Mr. Trostle stated there was no issue. There was some question about which sign would be placed. Mr. Schwartz again voiced her concern that there are too many signs along Bridge Street. Mr. Riddle pointed out numerous businesses in the area and noted that each one has numerous signs.

Mr. Olewine entertained additional questions from the Board. Mr. Cramer asked for clarification regarding parking spaces and distance to the road. Ms. Hicks inquired as to the need for the sign being requested. Mr. Riddle stated that visibility for the business and that a sign perpendicular to the building would catch your eye more so than a wall sign facing the road.

Mr. Olewine asked for any additional questions from the Board. There were none. Mr. Olewine entertained questions or comment from the audience. There were none.

**MOTION: Motion was made by Mr. Roudybush to approve the 27' 6" front setback variance for placement of the sign in question. The motion was seconded by Mr. Cramer. Ms. Hicks voted in favor of the motion, and Ms. Schwartz voted in opposition to the motion. The motion passed.**

**MOTION: Motion was made by Mr. Roudybush to approve the variance for an additional sign. The motion was seconded by Mr. Cramer and unanimously approved.**

**MOTION: Motion was made by Mr. Roudybush to approve the variance to exceed the allowable square footage for signage by 19 square feet. The motion was seconded by Mr. Cramer and unanimously approved.**

A question arose as to whether they should place a time restriction on the signage and the general consensus of the Board was that they should.

**MOTION: Motion was made by Ms. Hicks to allow the sign for a period of one year. The motion was seconded by Ms. Schwartz and unanimously approved.**

**OLD BUSINESS: None**

**NEW BUSINESS: Election of Officers:**

**MOTION: Motion was made by Mr. Roudybush to nominate Mr. Olewine for Chair of the Board of Zoning Appeals for 2014. The motion was seconded by Ms. Hicks and unanimously approved.**

**MOTION: Motion was made by Ms. Schwartz to nominate Mr. Roudybush for Vice Chair of the Board of Zoning Appeals for 2014. The motion was seconded by Ms. Hicks and unanimously approved.**

The next meeting of the Board of Zoning Appeals will be February 20, 2014. One case has been submitted for that meeting.

Mr. Trostle expressed his appreciation for the Board Members and their interest in the Town by serving on the Board of Zoning Appeals. He announced that he would be retiring at the end of January and had been with the Town for 31 years. The Board thanked Mr. Trostle for his work with the Town.

Mr. Olewine adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Brenda Humphreys