

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JANUARY 22, 2015
MINUTES**

Present: Robert Olewine; Jared Roudybush; Dawn Schwartz; Shirley Hicks; Charles E. Cramer, Jr.; Charles A. Bromwell, Director, Building & Zoning; Lisa M. Hamilton, 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 October 16, 2014 meeting. The motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1470 – REQUEST OF TUPP SIGNS, INC., 457 E. NEW CHURCHMANS ROAD, NEW CASTLE, DELAWARE REPRESENTING HERTRICH DEALERSHIP AND REQUESTING A VARIANCE FOR FIVE (5) ADDITIONAL WALL SIGNS, EACH BEING LESS THAN FORTY (40) SQUARE FEET IN AREA. THIS ACTION CONCERNS PROPERTY LOCATED AT 1147 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2332, ZONED C-2

Mr. Allen Goldberg of Tupp Signs was in attendance to address this request. Upon being sworn in he presented his case before the Board. Mr. Goldberg informed the Board the five additional signs are part of the package required by the corporate office for the dealerships. He stated the signs being requested are the same as those placed by Carman in New Castle, Delaware.

Mr. Olewine suggested that essentially these signs are the descriptive signs for the different makes of automobiles being sold at the dealership.

Mr. Olewine inquired if the signs were backlit. Mr. Rosenberg stated that they were backlit. Mr. Olewine entertained questions or comment from the audience. There were none.

MOTION: Motion was made by Ms. Schwartz to approve the request for five (5) additional wall signs for the Hertrich Dealership. The motion was seconded by Ms. Hicks and unanimously approved.

CASE # 1471 – REQUEST OF COLLINS FAMILY, LLC, 105 IRWIN AVENUE, ELKTON, MARYLAND, FOR A TWENTY-TWO (22) FOOT FRONT SETBACK VARIANCE FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 400 N. BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 310, PARCEL 0675, ZONED C-2

Dr. Gary Collins was in attendance to address this request. Upon being sworn in he presented his case before the Board. Dr. Collins explained that they require the variance for a freestanding sign to be placed in front of the building. He noted there is an area around the building where

they intend to place shrubs in the spring. He pointed out that their intention is to place the permanent sign where the current temporary sign is located. It should be far enough from the intersection that it will not obstruct vision.

Dr. Collins stated the sign being placed will be six (6) feet wide and four (4) feet wide which will have the name of the business and they will be placing a smaller sign below the business sign with the doctor's name, Robert Scott Collins.

Mr. Olewine asked if the sign were to be lighted. Dr. Collins said they have no plans to light the sign. There was some concern that the sign was within the State Highway right-of-way. Mr. Bromwell stated that the sign does not fall within that right-of-way.

Ms. Schwartz commended Dr. Collins on the appearance of the sign. Mr. Cramer asked for clarification as to the exact location of the sign. Mr. Roudybush inquired whether the sign would be double sided. Dr. Collins confirmed that it would be double sided.

Mr. Olewine entertained additional questions from the Board. There being none he entertained questions from the audience.

Mr. Keith Thompson of 707 Elkton Boulevard which is located across Elkton Boulevard from this property spoke in support of the project and Dr. Collins' business. He stated that his home is one of only a few in that specific area so he felt he needed to show his support.

Mr. Olewine asked for some clarification regarding the sign and Dr. Collins noted that the name plate for the dentist will be made of plastic/vinyl and the sign will not be digital. He also stated that the columns of the sign would be made of the same stone that has been used for the building.

MOTION: Motion was made by Ms. Hicks to recommend approval of the sign for 400 N. Bridge Street. The motion was seconded by Mr. Cramer and unanimously approved.

CASE # 1472 – REQUEST OF WILLIAM B. PALMER & VIVIAN A. LEVERING, 308 HERMITAGE DRIVE, ELKTON, MARYLAND, FOR A ONE (1) FOOT SIDE SETBACK VARIANCE AND A ONE (1) FOOT REAR SETBACK VARIANCE FOR PLACEMENT OF A GARAGE. THIS ACTION CONCERNS PROPERTY LOCATED AT 308 HERMITAGE DRIVE, ELKTON, MARYLAND, TAX MAP 311, PARCEL 1502, ZONED R-1

Mr. William Palmer was in attendance to address this request. Upon being sworn in he presented his case before the Board. He stated that he and his partner, Ms. Levering, wished to place a garage on their property and believe that it will add value to their property and will be an asset to the neighborhood.

Mr. Olewine inquired whether the picture submitted was a representation of the garage they wish to place. Mr. Palmer stated that it was except that the color will match the house.

Mr. Olewine entertained question or comment from the Board. Ms. Schwartz inquired whether she should recuse herself from the discussion and vote since she owns property on Hermitage Drive. Mr. Olewine stated that from the standpoint of voting that might be a good idea. The attorney for the Board of Zoning Appeals, Ms. Lisa Hamilton agreed that Ms. Schwartz should not comment or vote on the case.

Mr. Cramer inquired and the location of the door. Mr. Palmer stated it will be on the other side of the garage rather than how the illustration shows it. They want the garage door to be close to the exit from the house.

Mr. Roudybush asked if there will be downspouts to redirect rain water. Mr. Palmer stated they plan to have downspouts and gutters placed on the garage. He stated he was aware that one of his neighbors had some concerns regarding water runoff onto their property.

Ms. Hicks asked if any of Mr. Palmer's neighbors had voiced concern regarding the placement of the garage. Mr. Palmer responded that he had spoken with his neighbor, Mr. Lambdin who was concerned that his property would be damaged when the construction work was being done. Mr. Palmer said he assured Mr. Lambdin that any damage that might be done by the construction work would be repaired. Mr. Palmer mentioned a 'sense of pride' letter he received from the Town which confirms that he takes good care of his property.

Mr. Olewine entertained additional questions from the Board. There being none he entertained questions or comments from the audience. There were none.

Mr. Olewine read Mr. & Mrs. Lambdin's letter as part of the record. (See copy attached)

MOTION: Motion was made by Mr. Roudybush to recommend approval of the one (1) foot side setback variance for 308 Hermitage Drive. The motion was seconded by Mr. Cramer and unanimously approved by the remaining Board members.

MOTION: Motion was made by Mr. Roudybush to recommend approve of the one (1) foot rear setback variance for 308 Hermitage Drive. The motion was seconded by Mr. Cramer and unanimously approved by the remaining Board members.

STATUS HEARING – CASE # 1458 – BRIDGE STREET LIQUORS – SIGNAGE – BOARD TO REVIEW SIGN AND LOCATION

Mr. Bromwell stated that the variance for Bridge Street Liquors to place a sign will expire on February 22, 2015 and the sign has not yet been placed at the property. He stated Mr. Patel has had some health issues but that he would contact Mr. Patel to inform him that if the sign is not placed in the time allotted that he will have to reapply for the variance.

OLD BUSINESS: None

NEW BUSINESS: Election of Officers

Mr. Olewine called for nominations for Chair and Vice Chair for the 2015 Fiscal Year.

MOTION: Motion was made by Ms. Schwartz to nominate Mr. Olewine as Chair of the Board of Zoning Appeals for 2015. The motion was seconded by Ms. Hicks and unanimously approved.

MOTION: Motion was made by Ms. Schwartz to nominate Mr. Roudybush as Vice Chair of the Board of Zoning Appeals for 2015. The motion was seconded by Ms. Hicks and unanimously approved.

Mr. Bromwell informed the Board that no items were submitted for the February meeting.

There being no further business to discuss Mr. Olewine adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Brenda Humphreys