

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JUNE 20, 2013
MINUTES**

Present: Robert Olewine; Jared Roudybush; Shirley Hicks; Charles E. Cramer, Jr.; Dawn Schwartz, 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 Mr. Roudybush to approve the minutes of the April 18, 2013 meeting. Motion was seconded by Ms. Schwartz and unanimously approved.

CASE # 1448 – REQUEST OF TERRY HUYETT, 133 MILESTONE ROAD, ELKTON, MARYLAND FOR A THREE (3) FOOT FRONT SETBACK VARIANCE TO CONSTRUCT A DECK. THIS ACTION CONCERNS PROPERTY LOCATED AT 133 MILESTONE ROAD, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2273, ZONED R-2

Mr. Gary Slagle and Ms. Mary Sue Slagle were in attendance to address this request. They were sworn in by the court stenographer and presented the request. Mr. Slagle informed the Board that they were representing Ms. Huyett and she wished to place a deck on her home that is consistent with a few other decks on the street. It will be built of vinyl railing with composite decking. There will be a landing that comes down to the existing sidewalk. He pointed out that this will look similar to a house a few doors down on the other side of the street.

Ms. Slagle stated that most of the deck will not require a variance but because there is a curve in the road at this section of the street only a small portion of the deck will actually require the variance. Mr. Olewine asked if the reason for the variance was due to the steps. Mr. Slagle noted that it was for the steps but also to have room for placement of furniture so that the deck can be more useful for the owners.

Ms. Schwartz asked if they could define a deck and a porch. Mr. Slagle noted that a porch has a roof over the structure whereas a deck does not. There was discussion regarding the property previously mentioned by Mr. Slagle which is similar to what they are requesting to build at this property. Mr. Slagle noted that the house he was referring to has a deck rather than a porch. Discussion continued regarding whether there were any homes on the street with a deck at the front of the home.

Ms. Schwartz asked if the owner had talked with any of the neighbors as to whether they had any opposition to having a deck in a front yard. Mr. Slagle stated that he felt what they were proposing would be cosmetically pleasing and would be an asset to the community. Ms. Slagle

stated she had spoken with Ms. Huyett and she had talked with some of the neighbors and no one had an issue with placement of the deck.

Mr. Trostle asked how high off the ground the deck will be. Mr. Slagle stated it would be approximately two feet off the ground. He stated that the railings were being placed for cosmetic purposes only. Mr. Trostle noted that most of the proposed deck tucks back and looks like part of the original house.

Ms. Schwartz asked if the owner plans to place a roof at some time in the future. Mr. Slagle said he was not aware of any plans to place a roof over the deck.

Mr. Olewine inquired whether the deck would have lattice work around the bottom. Mr. Slagle confirmed that it would.

Mr. Olewine entertained additional comment or questions from the Board. There were none.

Mr. Olewine noted that there was no one present in the audience to speak for or against the motion.

MOTION: Motion was made by Ms. Hicks to approve the three (3) foot front setback variance to construct a deck. The motion was seconded by Mr. Cramer. Mr. Roudybush and Mr. Olewine voted for the motion and Ms. Schwartz voted against the motion. The motion carried.

OLD BUSINESS: None

NEW BUSINESS: Mr. Trostle informed the Board that the Financial Disclosure Forms were required to be turned in by July 1, 2013. If anyone does not wish to turn in the forms they will need to be removed from the Board.

Mr. Trostle noted there will be two special exceptions on the July meeting agenda and encouraged the Board to go over the requirements of the special exceptions in order to supply an appropriate response to these requests. Mr. Allison informed the Board that he would be recusing himself from these two special exceptions and will provide substitute council to the Board for that meeting.

There being no further items for discussion Mr. Olewine adjourned the meeting at 7:22 p.m.

Respectfully submitted,

Brenda Humphreys