

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JULY 18, 2013
MINUTES**

Present: Robert Olewine; Jared Roudybush; Shirley Hicks; Charles E. Cramer, Jr.; Dawn Schwartz, J. Craig Trostle, Jr., Director, Building & Zoning; Cameron Brown, 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 of the June 20, 2013 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1450 – REQUEST OF HOME PARTNERSHIP, INC., 626 TOWNE CENTER DRIVE, SUITE 301, JOPPATOWN, MD FOR A SPECIAL EXCEPTION. THE REASON FOR THE REQUEST IS TO MAKE ADAPTIVE REUSE OF THE FORMER CECIL COUNTY JAIL AND THE DEPARTMENT OF AGING BUILDING AS PART OF AN ELDERLY AND HANDICAPPED PROJECT. THIS ACTION PERTAINS TO PROPERTY LOCATED AT 214 NORTH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCEL 1204, ZONED C-1 (CENTRAL BUSINESS)

Mr. Frank Hodgetts and Mr. Patrick Wagner of Home Partnership, Inc. and Mr. Jay C. Emrey, III, Legal Counsel were in attendance to represent this request. Mr. Emrey apprised the Board that the name of the entity Home Partnership, Inc. was recently changed to Home Partnership of Cecil County, Inc. and requested that the change be made for this hearing.

Mr. Olewine noted the Board would be hearing Case # 1450 as the first item for the evening. Mr. Wagner informed the Board that they are seeking a special exception in order to build affordable housing for the elderly/handicapped. Mr. Emrey noted that the current structure is historic in nature and was at one time the jail and was used for the elderly in the past as well. He stated that according to the Town Ordinance they would need a special exception in order to use the property the way they are proposing.

Mr. Wagner explained they would be placing five (5) units and common space areas in the historic structure and forty-eight (48) units would be in the new building. They will maintain the historic integrity of the building.

The Board was informed that the proposed use was appropriate for the existing zoning and they would be in compliance with the density permitted. The HARC (Historic and Architectural Committee) has given approval to the project specific to the use of the historic building. The Planning Commission also gave their approval to the project.

Mr. Olewine inquired about whether there are one or two buildings. Mr. Trostle confirmed that there are two buildings. The breezeway between the two buildings is one story only.

Mr. Olewine entertained questions from the Board. There were none.

Mr. Olewine read the recommendation from the HARC and the Planning Commission (see attached).

Mr. Emrey went over the requirements of the Town Ordinance with regard to requirements for the special exception and asked Mr. Wagner if this project was in compliance with each. Mr. Wagner stated that they are in compliance.

Mr. Wagner indicated that their research shows elderly housing is a current need as well as a future need. Questions regarding ingress and egress were discussed. Mr. Olewine asked whether an easement from the County was required. Mr. Taylor stated they are currently in discussion with the County regarding that subject. He mentioned they would be closing off the alley due to open space requirements and safety issues. He also noted that he believed State Highway would prefer fewer entrances onto the street as possible.

Ms. Hicks followed up regarding the need for senior housing and whether the need was in the business district or in the town in general. Mr. Wagner stated their study did not differentiate a specific area of need but their experience suggests that seniors prefer to be within walking distance of amenities such as shopping, hospital, doctor's offices, etc.

Ms. Schwartz stated that her business (Elkton Florist) does a good business with the residents of Elkton Senior Apartments and believe the senior apartments are good for the Town. She also likes the fact that the older building is being redone and will not continue to deteriorate.

Ms. Hicks asked how they feel they are in keeping with the Comprehensive Plan if they are requesting a special exception to the zoning. Mr. Emrey stated that zoning law basically prescribes specific uses for certain areas and when a use is provided for by a special exception the presumption would be that it would be permitted by right absent any showing that the use at that location would not have any adverse effects to the Town or neighborhood above and beyond those effects normally associated with the use. They believe that this project is beneficial to the Town. Mr. Wagner noted that housing for the elderly always requires a special exception in any zone.

Mr. Roudybush asked Mr. Trostle if access is required to the areas they plan to block off for emergency vehicles for this building or any of the other buildings. Mr. Trostle stated that they are not required to provide 360 degree access to commercial buildings.

Mr. Olewine entertained question or comment from the audience.

Mr. Larry Crouse, owner of the adjacent property spoke in favor of the project. He has worked closely with them to come up with a solution for ingress and egress and that has been worked out amicably.

Mr. Olewine recused him from voting due to the fact that he also sits on the Housing Board.

MOTION: Motion was made by Ms. Schwartz to approve adaptive reuse of the former Cecil County Jail and the Department of Aging building for an elderly and handicapped project. The motion was seconded by Mr. Cramer and unanimously approved.

CASE # 1449 – REQUEST OF HOME PARTNERSHIP INC., 626 TOWNE CENTER DRIVE, SUITE 301, JOPPATOWN, MD FOR A SPECIAL EXCEPTION. THE REQUEST IS TO PERMIT THE CONSTRUCTION OF HOUSING FOR THE ELDERLY AND HANDICAPPED IN THE CENTRAL BUSINESS DISTRICT. THIS ACTION PERTAINS TO PROPERTY LOCATED AT 214 NORTH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCEL 1204, ZONED C-1 (CENTRAL BUSINESS)

Mr. Emrey reviewed the purposes of both of the special exceptions required according to the Town Ordinance. He pointed out that the use is presumed a compatible use in the zone unless harm is shown for the specific use at this location Mr. Wagner stated that six of the units would be handicapped accessible. There is an age requirement of 62 years old for the residents and/or one partner would need to be over 62 years of age.

Mr. Emrey went over the requirements of the Town Ordinance with regard to requirements for the special exception and asked Mr. Wagner if this project was in compliance with each. Mr. Wagner stated that they are in compliance. There will not be any adverse effects on surrounding neighborhood or property values.

Mr. Taylor noted they have met with Singerly Fire Company and they will be providing comments on the plan but are in agreement with the basis of the project.

Mr. Cramer inquired about the traffic pattern and the number of parking spaces required per unit. Mr. Wagner stated .85 parking spaces are required per unit. He expressed his concern that there might be an impact on traffic in the area due to resident vehicles and visitor vehicles to the area. Mr. Taylor stated that 46 spaces are required per the Ordinance and that State Highway will review the site plan submittal. Mr. Wagner stated that in his experience there are far fewer than one vehicle per unit. Mr. Roudybush asked if they had any plans for overflow parking. Mr. Hodgetts responded to the parking question and informed the Board that they had to do a balanced parking study on both parcels to make sure they did not impact the parking any worse than it was currently impacted.

Mr. Roudybush asked who would be managing the property. Mr. Wagner stated that his company, Habitat America, would provide an onsite manager during the week.

Mr. Olewine entertained any additional comment or questions from the Board. Ms. Schwartz stated she believed, as a business owner and resident, that the project would be a positive addition to the community.

Ms. Hicks asked if they would be displacing any current services in place in the area. Mr. Hodgetts said they would be drawing services to the area. They have been in contact with Cecil County Program Services and will be working with them to provide additional services to the residents of the building and to the area locally. Mr. Hodgetts pointed out they would be removing the old procurement building which is currently vacant and the Department of Housing have already moved and they will be working with them.

Mr. Olewine voiced his concern regarding the new four-way stop signs at High and North Streets and he believes that will continue to cause issues.

Mr. Roudybush asked if any additional special exceptions would be need for the building. Mr. Trostle stated that he does not have architectural plans but the only variance they might possibly need would be a height variance.

Mr. Olewine entertained comments from the audience. There were none.

Mr. Olewine read the recommendations from the HARC and the Planning Commission (see attached).

MOTION: Motion was made by Ms. Schwartz to approve the special exception to permit the construction of housing for the elderly and handicapped in the Central Business District. The motion was seconded by Mr. Roudybush and unanimously approved.

OLD BUSINESS: None

NEW BUSINESS: None

There being no further items for discussion Mr. Olewine adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Brenda Humphreys