

TOWN OF ELKTON
BOARD OF ZONING APPEALS
JULY 20, 2017
MINUTES

Present: Robert Olewine; Dawn Schwartz; Heather Mahaffey; Richard Czernik; Lisa M. Hamilton Blackson, Esq., Legal Counsel; Charles A. Bromwell, Director, Building & Zoning

Absent: Shirley Hicks; Dave Mehelas

Ms. Schwartz called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Czernik to approve the minutes from the March 16, 2017 meeting as written. The motion was seconded by Ms. Mahaffey and unanimously approved.

Mr. Robert Olewine was recused from the first case as he is the applicant. He will, however, be seated in order to consider and vote on the second case.

REQUEST OF ROBERT E. OLEWINE, JR., 704 DELAWARE AVENUE, FOR VARIANCES TO 1) PLACE A SIX (6) FOOT PRIVACY FENCE IN A FRONT YARD AND 2) TO ALLOW FOR THE FENCE TO BE 100% SOLID. THIS ACTION CONCERNS PROPERTY LOCATED AT 704 DELAWARE AVENUE, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2235, AND ZONED RO (RESIDENTIAL OFFICE)

Mr. Robert Olewine was in attendance to address this request. He noted that the fence he will be purchasing will have a section at the top, approximately 12 inches in depth, which will not be 100% solid.

Mr. Olewine explained to the Board his reasoning for the variance request. He pointed out that he has lived in this home for 28 years. He stated that the property adjacent to his home (at 700 Delaware Avenue) was sold and became a rental property. The most recent tenants comprise multiple families with 8-9 children and three dogs.

Approximately 8-10 weeks ago he and his wife were working in their front yard. He had gone inside to wash his hands and heard his wife scream. He came outside and found her in the floor of the garage. She told him that her neighbor's dog has bitten her twice and while trying to get away from the dog she had fallen and broken bones in both of her arms. Unfortunately the incident with the dog was not the first time the animal had come into their yard. The most recent incident was when the dog came up onto their porch and was trying to get through the screen door to get to their dog. At that time he had gone over to the property and asked the owner to please keep the dog in their yard.

In addition, the children ranging in age from 4 years old to around 14 or 15 who play outside have been coming into his yard to climb his trees. He stated he removed the lower limbs from one of the trees to discourage the climbing and the children just began climbing the other tree. He said he likes children but doesn't want to see them get hurt.

He told the Board he has two concerns: One dog has been removed because it tried to bite another neighbor, another pit bull had been removed previously from the home and taken by Animal Control but they can't go into their front yard because they do not feel safe. He said he has tried to get along with the neighbors but he no longer has patience with the neighbor's actions.

He noted that he does not believe even if these tenants move out that anything will change because there have been consistent issues no matter which tenants might be living there. Therefore they are requesting to place a six foot privacy fence from the back fence out to the existing picket fence in order to block off the

neighboring tenants from accessing their property. He will likely extend the privacy fence at some point in the future, all the way to the rear of his property on that side as well.

He also mentioned that the property is not well taken care of with high grass in the rear yard and debris in the yard as well. He said that a four foot fence would be of no use because it can be easily climbed by the animals or the children. He and his wife would simply like to be able to use and enjoy their front yard.

Ms. Schwartz entertained questions from the Board. Mr. Czernik inquired as to the distance between the houses. Mr. Olewine stated he believes there is approximately 20 feet from his property line to the house. He added that when they built the house they needed to request a side setback variance.

Ms. Mahaffey explained that she also lives next to a rental property and understands the issues he is going through.

Ms. Schwartz entertained questions from the audience. There were none.

MOTION: Motion was made by Mr. Czernik to approve the variance to place a privacy fence in the front yard at 704 Delaware Avenue. The motion was seconded by Ms. Mahaffey and unanimously approved.

REQUEST OF KENT SIGN COMPANY REPRESENTING ASPEN DENTAL FOR THE FOLLOWING VARIANCES: 1) TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY 14.3 SQUARE FEET FOR SIGN A; 2) TO EXCEED THE ALLOWABLE NUMBER OF WALL SIGNS BY ONE (1) ADDITIONAL WALL SIGN FOR SIGN B; 3) TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY 8.5 SQUARE FEET FOR SIGN B. THIS ACTION CONCERNS PROPERTY LOCATED AT 722 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 728 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Kim Diehl of Kent Signs was in attendance to address this request. Ms. Diehl informed the Board she was representing Chandler Signs who are the sign contractors for Aspen Dental. She stated that Aspen Dental, through Chandler Signs, has a preset group of signs of specific sizes for each business which they fabricate and ship for their client and it would be cost prohibitive for them to have to change these each time they place signage for clients in different areas.

Another reason behind having these particular size signs is for client safety. She noted that many of the clients for Aspen Dental are older and therefore they feel it will assist in helping them slow down and enter the parking lot due to the speeds along Pulaski Highway. They feel the size they are proposing will help with visibility and recognition concerns. Ms. Diehl pointed out that numerous businesses along Route 40 have additional signs and signs with additional square footage.

Ms. Schwartz entertained questions from the Board. Mr. Czernik said he had concerns regarding the signs being seen when coming east due to the number of trees on the adjacent property. Mr. Bromwell notified Mr. Czernik that the trees at that location will be removed when Lidl begins their development on the adjacent property.

Mr. Olewine inquired whether the signs will be lighted. Ms. Diehl confirmed they will be lighted. Mr. Olewine asked if these were the only signs being requested for the business. Ms. Diehl stated she believed

there was a monument sign proposed as well. Mr. Bromwell interjected that they had previously applied for and received a front setback variance for the monument sign.

MOTION: Motion was made by Mr. Olewine to approve the variance to exceed the allowable square footage for a wall sign by 14.3 square feet for Sign A. The motion was seconded by Ms. Mahaffey and unanimously approved.

MOTION: Motion was made by Mr. Czernik to approve the variance to allow for an additional wall sign for Sign B. The motion was seconded by Mr. Olewine and unanimously approved.

MOTION: Motion was made by Mr. Olewine to approve the variance to exceed the square footage for a wall sign by 8.5 square feet for Sign B. The motion was seconded by Ms. Mahaffey and unanimously approved.

OLD BUSINESS: There were no items of old business.

NEW BUSINESS: There were no items of new business.

Mr. Bromwell informed the Board that three cases have been submitted for the August 17, 2017 meeting.

There being no further business to address, Ms. Schwartz adjourned the meeting at 7:22 p.m.

Respectfully submitted,

Brenda Humphreys