

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
AUGUST 17, 2017
MINUTES**

Present: Robert Olewine; Dawn Schwartz; Shirley Hicks; Dave Mehelas; Lisa M. Hamilton Blackson, Esq., Legal Counsel; Charles A. Bromwell, Director, Building & Zoning

Absent: Heather Mahaffey

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 July 20, 2017 meeting with one correction. The motion was seconded by Mr. Mehelas and unanimously approved.

CASE # 1507 – REQUEST OF ELKTON HOUSING AUTHORITY, SINGERLY ROAD AND SHEFFIELD STREET, FOR THE FOLLOWING: 1) 25' SIDE SETBACK VARIANCES FOR CONSTRUCTION OF NEW BUILDINGS; AND 2) REDUCTION OF THE NUMBER OF PARKING SPACES REQUIRED BY THE ORDINANCE BY THIRTY (30) PARKING SPACES, TAX MAP 306, PARCELS 1766 & 2179, ZONED R-3 (URBAN RESIDENTIAL)

Mr. Dwight Thomey, Mr. David Holden, Ms. Nancy Hopkins and Mr. David Strouss were sworn in to address this project. Additional information was provided to the Board members regarding this project. Mr. Thomey explained that the intention of the project is to remove the existing buildings and replace them with all new buildings. Currently there are 50 units on site and there will be 74 units, there are currently 134 bedrooms onsite and there will be 176 bedrooms at completion. He noted that due to the shape of the parcel and the current setbacks they are requesting variance setbacks for essentially the same location as the existing buildings. Variances will not be required for the frontage on either Route 213 or Route 279.

Mr. David Strouss of McCrone, Inc. explained that they are moving the community building to the center of the subdivision rather than near the road where it currently exists. The roads will provide a loop within the community which will provide good traffic flow and easy access for emergency vehicles. The location of the community center will also give the manager the ability to see the entire community from the office.

Mr. Mehelas questioned the number of units which are currently unoccupied. Ms. Hopkins noted that nine (9) units are unoccupied. He also noted that there were very few cars in the community. Mr. Strouss stated they are proposing to place 148 parking spaces, which would be 2 spaces per unit. Mr. Strouss noted the number of spaces required per the Town Ordinance is 178 and therefore they are requesting a parking variance for thirty (30) parking spaces. Currently there are 50 units and only 32 cars registered. Mr. Thomey asked Ms. Hopkins if there have ever been any issues with parking at Rudy Park. She stated there have not been any issues.

Mr. Thomey added that other than placing parking in the green areas there is no other area to place additional parking.

Mr. Holden addressed the submittal which showed the buildings they are proposing. They are two-story attached flats with private entrances and a patio or balcony for each unit. There are sixteen (16) units per building which will be supplied with Energy Star appliances and windows. He noted that the community building will be similar to the one they constructed in North East. The community building will be used for the Maker Station which is a 4H program for children they have accommodated for the last two years at Rudy Park. Ms. Hopkins mentioned that the Boys & Girls Club uses the current community building to receive help with homework, etc. Mr. Holden stated there would be an activity room which is available to the

residents for social functions, parties, and family events. Mr. Thomey said they are excited to be able to upgrade this community.

Ms. Schwartz inquired about storage sheds on the property and if these are available to the residents. Mr. Holden pointed out that each unit has its own storage area as part of the unit.

It was mentioned that all the Elkton Housing Authority buildings will be upgraded. Ms. Hicks asked when they thought they would begin this project. Mr. Holden stated that once the funding is in place, which they will apply for in the first quarter of 2018 it will be approximately 90 days for the state to award the funding. Then submittals will be made through the Town and construction will begin once those approvals are given.

Ms. Hopkins noted they have provided letters to tenants, one six months ago and one just a week ago regarding relocation of the tenants during the demolition and construction of the buildings. They have reached out to landlords in Town and are working with them to help provide accommodations. Ms. Hicks asked what the cost of the upgrades would be to the tenants. Ms. Hopkins stated they will continue to pay 30% of their gross income which is their current rent. Ms. Hicks asked if all the tenants will be able to return when the new buildings are completed and Ms. Hopkins confirmed that they would. She mentioned that they are currently not moving any new residents in when a unit becomes vacant.

Mr. Mehelas asked how the community ended up in such a condition. Ms. Hopkins stated that funding from HUD has been down from 100% to 79% and therefore they have not had the monies to make any upgrades in recent years. Mr. Holden interjected that they would have two financial vehicles for funding available to them and would not be relying on HUD funding for this project. Mr. Holden gave a timeframe for funding and construction of the project.

Mr. Mehelas asked the number of properties owned by Elkton Housing Authority. Ms. Hopkins replied they have three sites with 50 units per site. He asked what the current need for housing might be. She stated they could use 250 units and that they have a long waiting list.

Ms. Schwartz inquired about inspections for the units. Ms. Hopkins stated there is an inspection annually by a contracted service and that inspections are done once a month by Elkton Housing Authority. Mr. Thomey noted there is onsite staff for each property as well.

Mr. Olewine entertained questions or comment from the audience. Mr. Charles Hicks of the Elkton Housing Authority Board spoke in favor of the project. He stated that the Board is very excited to be able to provide affordable housing to the Elkton community.

Mr. Robert Olewine recused himself from voting on the first case as he is on the Elkton Housing Authority Board.

MOTION: Motion was made by Mr. Mehelas to approve the 25 foot side setback variances for construction of the new buildings. The motion was seconded by Ms. Hicks with the remaining member voting as follows: Ms. Schwartz – Aye; Mr. Olewine - Recused.

MOTION: Motion was made by Ms. Hicks to allow for a reduction of thirty (30) parking spaces from the number of spaces required by the Town Zoning Ordinance. The motion was seconded by Ms. Schwartz with the remaining members voting as follows: Mr. Mehelas – Aye; Mr. Olewine - Recused.

CASE # 1508 – REQUEST OF APEX MAINTENANCE GROUP, LLC REPRESENTING ELKTON ASSOCIATES LIMITED PARTNERSHIP (PETSMART), 111 BIG ELK MALL FOR THE FOLLOWING SIGN VARIANCES: 1) TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY 29.4 SQUARE FEET; 2) TO ALLOW FOUR (4) ADDITIONAL WALL SIGNS WHICH ARE LESS THAN FORTY (40) SQUARE FEET EACH, TAX MAP 315, PARCEL 2225, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. John Peters, Director of Retail Operations for Elkton Associates and Ms. Tracy Gesel of MC Sign Company were sworn in to address this request. They provided additional information for the Board to review.

Mr. Peters stated they have leased to four tenant spaces for a full service PetSmart. The PetSmart will be placed in the spaces previously assigned to the liquor store/deli, Petco, the Rent-A-Center, and the Movie Gallery.

Ms. Gesel stated the main concern with this location is the store fronts are set 500 feet from Route 40 and below grade. There are also other signs and businesses which block the store fronts. Options for renderings of the sign size allowed by the Town Ordinance and the sign size they are proposing were provided to the Board so they could see the difference in the sizes. Ms. Gesel mentioned other stores in the area who have received variances for signage such as Hardees, Ruby Tuesday, Planet Fitness and K-Mart among others. Their request is in keeping with the variances requested by these stores.

Mr. Olewine asked if the proposed signs are typical sizes for other PetSmart franchises. Ms. Gesel said the proposed signs are slightly smaller. Mr. Peters stated the proposed signage is larger than the Town Ordinance allows but smaller than other PetSmart franchise stores. The signs will be lighted signs and the service signs will be evenly spaced below the main PetSmart sign on the front building façade.

Mr. Peters noted that the current pylon signs have been converted to LED lights.

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

MOTION: Motion was made by Ms. Schwartz to allow PetSmart to exceed the allowable square footage for a wall sign by 29.4 square feet. The motion was seconded by Mr. Mehelas and unanimously approved.

MOTION: Motion was made by Ms. Schwartz to allow for PetSmart to have four additional wall signs which are less than forty (40) square feet each. The motion was seconded by Mr. Mehelas and unanimously approved.

CASE # 1509 – REQUEST OF SHANNON BROOKS REPRESENTING CRACKER BARREL, 300 BELLE HILL ROAD, FOR A SPECIAL EXCEPTION TO PERMIT PLACEMENT OF A STORAGE TRAILER FOR ADDITIONAL RETAIL MERCHANDISE DURING THE HOLIDAY SEASON, TAX MAP 304, PARCEL 2117, ZONED C-3

Mr. Rick Wacksman of Cracker Barrel was sworn in to address this request. He stated they are requesting to place a storage trailer at the rear of their property which will be placed within two parking spaces. The trailer will be used for additional retail merchandise and will contain nothing flammable or chemicals of any kind.

Questions arose as to the length of time he was requesting to have the trailers on site. He stated they will be on site from August until January and then removed. Ms. Blackson addressed the new ordinance for trailers which would allow for temporary storage trailers which conform to the specific conditions of the ordinance. Mr. Wacksman was informed that the new ordinance would allow the temporary trailers for up to three years for each special exception request. Mr. Wacksman stated they would like to request a three year allowance for the temporary trailers for the specific timeframe of August to January.

Mr. Olewine entertained questions or comment from the audience. There were no questions from the audience.

MOTION: Motion was made by Ms. Schwartz to allow for the temporary storage trailers for a period of three years for the timeframe noted during each year. The motion was seconded by Ms. Hicks and unanimously approved.

OLD BUSINESS: Mr. Bromwell informed the Board that the storage trailers for Tim's Used Tires which were approved in January have never complied with the requirements of the special exception (location, placement on correct material and trailer color and no advertising) which was approved at that time. He stated he has forwarded letters to both the owner and the attorney representing the owner that the trailers are not in compliance with the approved special exception requirements and the special exception expired as of July 26, 2017. They will therefore have to reapply for a special exception for the trailers. If they do not comply within the timeframe given an injunction will be filed to have the trailers removed.

Mr. Olewine inquired whether the wall, which was also a requirement of the special exception, had been placed. Mr. Bromwell confirmed that the wall had been constructed.

NEW BUSINESS: There were no items of new business.

Mr. Bromwell informed the Board that one case had been submitted for the September 21, 2017 meeting.

There being no further business to address, Mr. Olewine adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Brenda Humphreys