

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
SEPTEMBER 21, 2017
MINUTES**

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

Absent: Robert Olewine

Mr. Mehelas called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the August 17, 2017 meeting. The motion was seconded by Ms. Schwartz and unanimously approved.

CASE # 1510 – REQUEST OF CHARLES AND FLORENCE RUSSO, 243 THOMAS JEFFERSON TERRACE, FOR A FOUR (4) FOOT REAR SETBACK VARIANCE TO CONSTRUCT A SUNROOM. THIS ACTION CONCERNS PROPERTY LOCATED AT 243 THOMAS JEFFERSON TERRACE, ELKTON, MARYLAND, TAX MAP 311, PARCEL 2451 AND ZONED R-2 (URBAN RESIDENTIAL)

Charles Russo was sworn in to address this request. Mr. Russo stated he is asking for a four foot variance at the rear of his property for placement of a sunroom. He informed the Board he had met with Mr. Bromwell at his property and was told a 40' rear setback variance was required for the sunroom. Upon measuring the distance to the property line from where the sunroom would be placed it was determined he would be approximately 3 feet into the setback. He mentioned that the neighboring properties have trees which would block their view of the proposed sunroom. Mr. Russo stated the sunroom will have heat and air conditioning.

He also noted that the variance is required for his yard since it is shallower than other yards in the area. He provided an illustration for the Board.

Mr. Mehelas clarified that only one edge of the sunroom would be located within the setback as opposed to the entire sunroom. Mr. Russo agreed.

Mr. Mehelas entertained questions or comment from the Board. Ms. Schwartz clarified that Mr. Bromwell had been to the property and reviewed the variance request. Mr. Bromwell stated he was at the property and they are requesting a four foot variance just to be sure they are within the requirements of the Ordinance. He mentioned that the rear property line is at a steep angle so only one edge of the sunroom will be into the rear setback.

Mr. Mehelas entertained questions or comment from the audience. No one spoke in favor or in opposition to this request.

MOTION: Motion was made by Ms. Schwartz to approve the four foot rear setback variance to construct a sunroom at 243 Thomas Jefferson Terrace. The motion was seconded by Ms. Hicks and unanimously approved.

CASE # 1512 – REQUEST OF JASON TIMME REPRESENTING THE DETAIL SHOP, 1183 E. PULASKI HIGHWAY FOR A VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE OF SIGNAGE BY SEVENTEEN (17) SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 1183 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2333 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Jason Timme of The Detail Shop was sworn in to address this request. Mr. Timme informed the Board that although he was the first tenant to lease space at this location he had issues with the sign company he hired to build his sign. During the time he was addressing the sign issues two additional tenants moved onto the property and placed their signage on the existing pylon sign.

He went on to explain that he intended to place his sign on an additional pylon sign and therefore had it made to fit that pylon size of 4' x 8'. When he applied for the permit to place the sign he was informed that the other pylon sign was on a different parcel. Mr. Bromwell explained the other pylon sign is actually on a different parcel and would be considered an offsite sign which would require a special exception. He stated he had met with Mr. Timme and explained the situation to him. Mr. Timme said since he was unaware that the other pylon sign was on a different property he had the sign made up to fit the pylon on the adjacent property. He questioned whether he could just go ahead and place his new sign on the other pylon but if not he would just position it on the pylon with the other signs.

Discussion ensued regarding where his sign would be placed on the pylon with the other two businesses. Mr. Timme stated they would rearrange the signs to make it look as nice as possible.

Ms. Schwartz asked for clarification about ownership of the properties at this location and about the existing sign on the adjacent parcel. Mr. Bromwell explained that individual parcels are the determining factor for the location of a property. Because of this the signage would need to be placed on the same parcel where the business exists. If it is placed anywhere else it would be considered an offsite sign. He also noted that one of the conditions of an offsite sign is that it would have to be thirty (30) feet from the front property line and therefore it would not meet the conditions even if Mr. Timme applied for the offsite sign.

Discussion ensued regarding the amount of signage allowed on individual properties. It was determined that the property owner would be responsible for determining the amount of signage each tenant could use on the existing sign by the amount of square footage allowed per the Zoning Ordinance for that zone.

Mr. Mehelas entertained additional questions or comments from the Board. There were none. Mr. Mehelas entertained questions or comment from the audience.

Mr. Don Horton, owner of the property, spoke in favor of the variance. He asked the Board to consider allowing Mr. Timme to change the size of the sign so it would fit the pylon. Mr. Bromwell noted that they would not be able to change the request since it had not been advertised for the different size.

Mr. Horton questioned why the sign could not be placed on the sign at the other location. Mr. Bromwell explained that each parcel is allowed a specific amount of signage and when it exceeds that amount then the variance would be required. He informed Mr. Horton that he could do an add-on subdivision in order to combine the two parcels and then there would not be an issue with where the different tenant signs could be placed.

There being no further questions Mr. Mehelas called for discussion or a motion.

MOTION: Motion was made by Mr. Czernik to allow the variance to exceed the allowable square footage of signage for 1183 E. Pulaski Highway by seventeen (17) square feet. The motion was seconded by Ms. Hicks 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 one case had been submitted for the October 19, 2017 meeting.

There being no further business to address, Mr. Mehelas adjourned the meeting at 7:18 p.m.

Respectfully submitted,

Brenda Humphreys