

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
MAY 17, 2018
MINUTES**

Present: Robert Olewine; Dawn Schwartz; Shirley Hicks; Heather Mahaffey; Richard Czernik, John Downs, Esq., Legal Counsel, Chip Bromwell, Building Official

Absent: None

ACTION: Motion was made by Mr. Czernik to approve the minutes from the April 19, 2018 meeting as written. The motion was seconded by Ms. Mahaffey and unanimously approved.

CASE # 1523 – REQUEST OF COLLEEN & THOMAS ELLIS AND ROBERT MINK FOR THE FOLLOWING: 1) A VARIANCE TO EXTEND A SIX (6) FOOT PRIVACY FENCE MORE THAN FIVE (5) FEET BEYOND THE REAR OF THE EXISTING BUILDING; AND 2) A VARIANCE TO ERECT A SOLID FENCE ALONG THE FRONT OF THE PROPERTY. THIS ACTION CONCERNS PROPERTY LOCATED AT 559 MUDDY LANE, ELKTON, MARYLAND, TAX MAP 304, PARCEL 2113 AND ZONED C-3 (HIGHWAY INTERCHANGE COMMERCIAL)

Colleen & Thomas Ellis and Robert Mink were in attendance to address this request. They were sworn in and explained their reasoning for the variance request. Ms. Ellis read a statement addressing the issues they have faced at their home on Muddy Lane. The main reasons are for security for her elderly parents who reside at 559 Muddy Lane. There is a great deal of foot traffic through their front yard and vehicles that turn around in their driveway which causes fear and emotional stress for her parents. The foot traffic is along Muddy Lane and people trespass through their yard in order to get to the Cracker Barrel and other businesses along Belle Hill and Warner Roads.

Members of the family have been threatened when asking trespassers to not use their property as a pass through. They have contacted law enforcement but the situation continues. They have also had sheds and barns on their property broken into and items stolen.

Mr. & Mrs. Ellis have three granddaughters who play in the yard and they are concerned for the safety of the children. Ms. Ellis stated they feel the Board should consider approving their variance requests because they should not have to live in fear of their property or lives being threatened. They have lived in the community a long time and although they understand expansion is inevitable they also believe it should not come at the expense and safety of others.

Mr. Olewine thanked Ms. Ellis for her explanation. He entertained any questions or comment from the Board regarding the application. Ms. Hicks asked about the fence currently existing at this location. Ms. Ellis explained that the property at 551 Muddy Lane, which she and her husband own, is within the County's jurisdiction and that the fence is located on that property. She stated they are planning to adjoin the proposed fence with the existing fence in order to cut off access to both properties.

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

MOTION: Motion was made by Ms. Hicks to approve the variance to extend a six (6) foot privacy fence more than five (5) feet beyond the rear of the existing building. The motion was seconded by Ms. Schwartz and unanimously approved.

MOTION: Motion was made by Ms. Hicks to approve the variance to erect a solid fence along the front of the property. The motion was seconded by Mr. Czernik and unanimously approved.

NEW BUSINESS: Chip informed the Board that there will be two cases at the June meeting. They are both medical use cases which require a special exception. One use is for a dental office which is proposed at 1189 E. Pulaski Highway (the old bank building at Delancy Plaza) and the other is a mental health services counseling office at 327 Curtis Avenue. This use is geared toward juveniles but they also do adult counseling. He noted that this use is counseling only and that any medical use now requires a special exception.

OLD BUSINESS: None

The next meeting of the Board will be June 21, 2018.

There being no further questions Mr. Olewine called for a motion to adjourn the meeting.

MOTION: Motion was made by Ms. Schwartz to adjourn the meeting. The motion was seconded by Mr. Czernik and unanimously approved.

The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

Brenda Humphreys