

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JULY 19, 2018  
MINUTES**

**Present:** Robert Olewine; Heather Mahaffey; Richard Czernik; Rob Massimiano;  
Lisa Hamilton Blackson, Esq., Legal Counsel, Chip Bromwell, Building Official

**Absent:** Dawn Schwartz; Shirley Hicks

**ACTION:** Motion was made by Mr. Massimiano to approve the minutes from the June 21, 2018 meeting as written. The motion was seconded by Ms. Mahaffey and unanimously approved.

**CASE # 1525 – REQUEST OF POLLITT SIGNS REPRESENTING WAYNE V. PHAN FOR A FIFTEEN (15) FOOT FRONT SETBACK VARIANCE FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 216 WEST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCEL 0177, ZONED C-2 (HIGHWAY COMMERCIAL)**

Ms. Barbara Pollitt of Pollitt Signs was in attendance to address this request. She stated the property in question was previously Joker's Pub. They are requesting a fifteen foot front setback variance in order to place a new freestanding sign. It will be in the same location as the previous sign which has been removed.

Mr. Czernik questioned what the required setback would be for this property. Mr. Bromwell stated the required setback is thirty (30) feet from the property line. He mentioned that the previous sign had never received a variance.

Ms. Pollitt confirmed that the sign would be made with internal LED lights for nighttime location of the property.

Mr. Massimiano questioned if a fifteen (15) foot variance was reasonable. Mr. Bromwell noted that if the sign was placed at the required thirty (30) foot it would be at approximately the same location as the building and would be difficult to see. Mr. Olewine mentioned that there were very few signs along Route 40 without some type of variance.

Mr. Olewine entertained questions or comments from the Board. There were no additional questions. Mr. Olewine entertained questions or comments from the audience. No one spoke for or against this request.

**MOTION:** Motion was made by Ms. Mahaffey to approve the fifteen (15) foot front setback variance for placement of a freestanding sign at 216 W. Pulaski Highway. The motion was seconded by Mr. Czernik and unanimously approved.

**CASE # 1526 – REQUEST OF TUPP SIGNS REPRESENTING APPLE ELKTON, LLC FOR A VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY THIRTY FIVE (35) SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 560 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2386, ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Rick Knodel of Tupp Signs was in attendance to address this request. Mr. Olewine questioned whether the façade, which had been damaged previously, would be replaced if the sign were approved. Mr. Knodel stated this was the reason for getting the variance. Both the façade and the sign were damaged during a storm. Mr. Knodel stated they will be placing a cabinet sign internally lighted with LEDs. Mr. Czernik asked if the sign would face Route 40 and Mr. Knodel confirmed that it would.

Mr. Olewine entertained questions or comments from the Board. There were no additional questions. Mr. Olewine entertained questions or comments from the audience. No one spoke for or against this submittal.

**MOTION: Motion was made by Ms. Mahaffey to approve the variance to exceed the allowable square footage for a wall sign by thirty five (35) square feet for 560 East Pulaski Highway. The motion was seconded by Mr. Massimiano and unanimously approved.**

**CASE # 1527 – REQUEST OF GAIL LEITGEB FOR A THREE (3) FOOT REAR SETBACK VARIANCE TO CONSTRUCT AN ADDITION. THIS ACTION CONCERNS PROPERTY LOCATED AT 240 LOCUST LANE, ELKTON, MARYLAND, TAX MAP 311, PARCEL 1616, ZONED R-2 (SUBURBAN RESIDENTIAL)**

Mr. Robbie Smeltzer was in attendance to represent the owners of 240 Locust Lane with regard to this submittal for a variance. Mr. Smeltzer read a statement from the property owners which stated the size of the current home as well as the size of the home with the proposed addition. They are proposing a 12' x 28' addition which will enlarge the home from 672 square feet to 1,108 square feet. They are choosing to make this addition now due to the fact their leasee, who had lived here for the past 13 years was forced to leave due to health concerns. This has provided them with the opportunity to make this upgrade to their property. They also intend to place new siding on the home.

He stated they had spoken with the neighbors at 238 and 242 Locust Lane as well as the neighbor behind their property at 135 Friendship Road. None of the neighboring property owners voiced any concerns regarding the changes they hope to make. They believe the improvements will be an asset to the community.

Discussion ensued regarding the size of the addition which was determined to be the same width as the current house.

Mr. Olewine entertained questions from the Board. There were no additional questions. Mr. Olewine entertained questions or comments from the audience. There was no one in attendance to speak for or against this request.

**MOTION: Motion was made by Mr. Massimiano to approve the three (3) foot rear setback variance to construct an addition at 240 Locust Lane. The motion was seconded by Ms. Mahaffey and unanimously approved.**

**CASE # 1528 – REQUEST OF CYNTHIA PIXTON REPRESENTING ADVANTAGE PSYCHIATRIC SERVICES, LLC FOR A SPECIAL EXCEPTION TO OPERATE A COUNSELING OFFICE IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 306 WEST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCEL 0190, ZONED C-2 (HIGHWAY COMMERCIAL)**

Ms. Cynthia Pixton and Ms. Tessa Worsham were in attendance to address this request for a special exception. Mr. Olewine inquired as to what time patients would be seen. Ms. Pixton stated they see patients from 8:30 a.m. to 5:00 p.m. and one evening until 7:00 p.m.

Mr. Olewine asked if they will have one on one counseling or group sessions. Ms. Pixton stated they the majority will be one on one sessions with a few group meetings.

Mr. Czernik asked for clarification regarding medications to which Ms. Pixton stated there would be no medications onsite.

Mr. Olewine entertained additional questions from the Board. There were no additional questions. Mr. Olewine entertained statements either for or against this proposal. No one spoke in favor of or against the proposal.

Mr. Olewine read the Planning Commission recommendation from the July 16<sup>th</sup> meeting. (See attached)

**MOTION: Motion was made by Mr. Czernik to approve the special exception to operate a counseling office at 306 West Pulaski Highway in the C-2 Zone. The motion was seconded by Ms. Mahaffey and unanimously approved.**

**CASE # 1529 – REQUEST OF MOHAMMAD B. AFZAL, M.D. AND MOHAMED AHMED, M.D. FOR A SPECIAL EXCEPTION TO OPERATE A DOCTOR'S OFFICE IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 677 E. PULASKI HIGHWAY, TAX MAP 316, PARCEL 2245, ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Stephen Robinson, owner of the property; Mohammad B. Afzal, M.D. and Amber Potts were in attendance to address this request for a special exception.

Mr. Robinson noted that this request is being made in order to re-establish an existing office currently located at 300 E. Pulaski Highway and being relocated to 677 E. Pulaski Highway. He stated the physicians have been located in Elkton for the past nine years with no complaints being made regarding the practices. He noted that Dr. Afzal is Board certified in venous medicine and introduced Dr. Afzal to the Board. He informed the Board that Dr. Ahmed was unable to attend this meeting as he was out of town and Ms. Amber Potts, his medical assistant, would be speaking on his behalf.

Mr. Robinson stated that if the Board had any questions regarding the property that he would be glad to address them.

Dr. Afzal addressed the Board and explained that prior to being in Elkton he was practicing at Upper Chesapeake and Harford Memorial Hospitals between 2007 and 2009. He stated he is Board certified in internal medicine and has recently been certified in the field of venous medicine. He gave an overview of his specialty practice which deals with venous and lymphatic issues. He also gave his credentials with regard to his education in this field. He explained that much of his work is done through sonography and surgery and stated he has a sonography technician who works with him as well. He stated that in recent years he has been to Honduras and the Dominican Republic for practical training in this field.

Mr. Czernik asked if he would be practicing both fields at this new location. Dr. Afzal stated he would be involved in both specialties.

Ms. Potts explained that the pain management practice is more of a spine pain specialty. They do injections, nerve blocks and give steroid treatments to offer patients something prior to surgery. She stated that they prescribe minimal narcotics. It was noted that they do not accept cash patients, and see patients only by appointment with Medicare, Medicaid or other insurance. They also require MRI's and referrals from another physician before patients are seen. Mr. Robinson also noted that Dr. Ahmed is also a Board Certified physician.

Mr. Olewine entertained additional questions from the Board and the audience. There were no further questions or comments.

Mr. Olewine read the Planning Commission recommendation from the July 16<sup>th</sup> meeting. (See attached)

**MOTION: Motion was made by Mr. Czernik to approve the special exception to operate a doctor's office in the C-2 Zone at 677 E. Pulaski Highway. The motion was seconded by Mr. Massimiano and unanimously approved.**

**OLD BUSINESS:** None

**NEW BUSINESS:** Chip informed the Board that there will be three cases at the August meeting which will be held on Thursday, August 16, 2018.

There being no further questions Mr. Olewine adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Brenda Humphreys