

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
DECEMBER 20, 2018
MINUTES**

Present: Robert Olewine; Heather Mahaffey; Shirley Hicks; Richard Czernik; Lisa Hamilton Blackson, Esq., Legal Counsel

Absent: Dawn Schwartz

The meeting was called to order by Mr. Olewine.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the November 15, 2018 meeting as written. The motion was seconded by Ms. Mahaffey and unanimously approved.

CASE # 1539 – REQUEST OF CHAMPION PROPERTY HOLDINGS, LLC FOR AN EIGHT (8) FOOT HEIGHT VARIANCE FOR CONSTRUCTION OF CONCRETE PLANT TOWERS. THIS ACTION CONCERNS PROPERTY LOCATED AT 329 WEST MAIN STREET, ELKTON, MARYLAND, TAX MAP 314, PARCEL 0242 AND ZONED BI (BUSINESS INDUSTRIAL)

Mr. Stuart Anglin, Owner of Champion Property Holdings, LLC and Mr. Karl Fockler, attorney representing Mr. Anglin, were in attendance to address this request. Mr. Fockler provided an additional packet of information to the Board members.

Mr. Anglin informed the Board that they will be placing a materials business at 329 W. Main Street in Elkton. They will be doing boutique style concrete. He stated the majority of their business will be 3-4 yards of concrete or smaller in order to benefit customers where larger trucks are unable to reach. The advantage of the smaller trucks is there is little to no damage to sidewalk, driveways, etc. while delivering the concrete. He did mention they would do larger orders as well.

Mr. Fockler inquired regarding the number of employees who would be hired for this new venture. Mr. Anglin stated that initially there would be 10-15 employees and within a three year period that may increase to 25-30 employees.

Mr. Fockler explained that the height variance is for the concrete plant towers which are 67' 2" to the top of the railing, as shown in the illustration provided. Mr. Anglin mentioned that they currently have a permit for the foundation. Mr. Anglin explained that it would be expensive to purchase towers which would meet the town height regulations of 60' because they would be a special order. He stated it would cost an extra \$40,000 to \$45,000 to lower the standard 67'2" towers.

There was discussion regarding the two phases of mitigation which were done prior to Mr. Anglin purchasing the property. The mitigation was completed approximately 6-7 years ago and

a high level of clay was found. They pointed out the area on the property which would have to remain undisturbed and its location with respect to the location of the proposed towers. Mr. Olewine asked how far back from Main Street the apparatus would be located. Mr. Anglin determined it would be 350-380 feet. It was also noted that there would only be two towers as opposed to the three which are shown in the illustration. They will be a creamy gray color.

Aerial photographs were provided to show neighboring properties and properties in the area with towers to show that these will not be the only towers in this general location.

Mr. Fockler noted that this site has been vacant for some time and will create jobs. They are part of the Opportunity Zone area designed by the Federal Government and the State of Maryland. They are also part of the qualified HUD Zone in an historically underutilized development area.

There were questions regarding dust from the trucks being filled at this location. Mr. Anglin stated they would be using a water spray as required by Maryland Department of the Environment. Mr. Fockler said they are regulated by MDE and inspections are done on a regular basis and they must stay within these regulations.

There were questions regarding the noise factor. Mr. Anglin stated the business would generally be relatively quiet, the motor noise would be minimal and although trucks will be idling during the day it should not create excessive noise. Most of the work is done during daylight hours. Any evening work would be done within the confines of the building and Saturday work on an as needed basis. He noted that this business will be much quieter than the previous business at this location. They want to be good neighbors.

Mr. Olewine asked if Mr. Anglin has other sites that are being operated similar to this use. Mr. Anglin stated they are a minority business since he is a Cherokee by blood. He said they are in the construction business and operate heavy equipment. He share with the Board other areas where they have completed construction in Aberdeen and from Trenton to Boston, Dover High School, some in the Baltimore area. They do not have another concrete business, this would be their first.

Ms. Hicks complimented them on their presentation and asked whether the tower height they are placing is an industry standard or if they are tailor made for their business. Mr. Anglin explained that the silos are made as part of their business needs as described by the type of concrete work they would be doing (whether dry or wet batch) and the size of the jobs they will be doing.

Mr. Olewine entertained additional questions from the Board. There were none.

MOTION: Motion was made by Ms. Hicks to approve the eight (8) foot height for construction of concrete plant towers at 329 W. Main Street. The motion was seconded by Mr. Czernik and unanimously approved.

OLD BUSINESS: None

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NEW BUSINESS:

The next meeting of the Board of Zoning Appeals will be Thursday, January 17, 2019.

There being no further questions Mr. Olewine called for a motion to adjourn the meeting at 7:28 p.m.

Respectfully submitted,

Brie Humphreys