

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
FEBRUARY 20, 2020  
MINUTES**

**Present:** Heather Mahaffey; Shirley Hicks; Dawn Schwartz; Sam Goldwater; Chip Bromwell, Zoning Administrator; Lisa Blackson, Esq., Legal Counsel

**Absent:** Robert Olewine

The meeting was called to order by Ms. Mahaffey. She called for any additions or corrections to the minutes of the January 16, 2020 meeting. There being no corrections Ms. Mahaffey called for the motion.

**ACTION:** Motion was made by Ms. Schwartz to approve the minutes from the January 16, 2020 meeting. The motion was seconded by Ms. Hicks and unanimously approved.

**CASE # 1558 – REQUEST OF HARFORD BANK FOR A VARIANCE FOR TWO (2) ADDITIONAL WALL SIGNS. THIS ACTION CONCERNS PROPERTY LOCATED AT 305 AUGUSTINE HERMAN HIGHWAY, ELKTON, MARYLAND, TAX MAP 320, PARCEL 2459 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Richard Foard representing Harford Bank was sworn in to address this request. Mr. Foard stated they acquired the building, which had been a Howard Bank, and came in to the Building Department to request two additional wall signs. At that time they were told they would need to apply for a variance for the wall signs.

Ms. Mahaffey entertained questions or comments from the Board. Ms. Schwartz questioned whether they would be requesting any signage other than the two wall signs. Mr. Foard stated they would not. He stated they have one sign currently so the wall signs would be added to what is currently on the building. They would not be requesting a pylon sign. There being no other questions from the Board, Ms. Mahaffey called for questions or comments from the audience. There were no questions.

**MOTION:** Motion was made by Ms. Schwartz to approve the variance request from Harford Bank for two additional wall signs. The motion was seconded by Ms. Hicks and unanimously approved.

**CASE # 1559 – CELLCO PARTNERSHIP D/B/A/VERIZON WIRELESS FOR A SPECIAL EXCEPTION FOR PLACEMENT OF A COMMUNICATION TOWER AT 4 COACHMAN DRIVE. THIS ACTION CONCERNS PROPERTY LOCATED AT 4 COACHMAN DRIVE, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2382 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. John Tracey of Young, Conaway, Stargatt and Taylor, LLP and Mr. Andrew Petersohn were sworn in to address this request. Mr. Tracey stated they are requesting a special exception in order to place a 100' tower with a 5' lighting rod on top. They are proposing to place the tower to the rear of the existing storage units at 4 Coachman Drive.

Mr. Tracey stated the reports submitted, completed by Mr. Andrew Petersohn of dBm Engineering, demonstrate the need for the facility at this location, demonstrate compliance with the FCC regulations with regard to emissions. He stated they are 3.2% of the allowable level of emissions from these types of towers using worst case scenarios assumption used for the analysis. The reports also confirm there is no need to have the tower lighted in accordance with the requirements of the FAA and there will not be any interference with other radio frequencies or radio uses.

Mr. Tracey stated the letter and plans submitted demonstrate that they comply with all aspects of the specific regulations attached to these facilities; they meet the setbacks and are able to provide collocation space for other carriers should they wish to locate on the tower. He noted there are no other facilities where they could collocate.

He stated they also meet all the standards of a special exception provided in the Town's Zoning Ordinance. He said they do not believe this tower will have a negative impact in the area; they do not tax locate resources because they use no water, sewer or electricity. There are also no stormwater impacts for this use. There is, on the average, one vehicle trip per every six weeks for maintenance purposes.

Mr. Goldwater questioned whether there would be any other use for the tower besides those of other carriers collocating. Mr. Tracey said there is nothing pending but that Verizon has always made their facilities available to first responders.

Ms. Schwartz asked Mr. Bromwell specifically where the tower would be located. Mr. Bromwell noted it would be off of Route 40 behind the storage units which are near the former Ruby Tuesday restaurant. Discussion ensued regarding location. Mr. Bromwell stated the Building Department would be provided with plans and stated that a permit would be required for the tower.

Ms. Schwartz asked if there were other towers located within Elkton. Mr. Tracey and Mr. Bromwell provided information regarding other tower locations and reasons for specific placement due to coverage and capacity needs. Mr. Petersohn explained the reason they are not locating on another tower approximately one mile away is because it is too close to an existing Verizon site and is too far west to meet the off road objective.

Ms. Hicks asked about the structural integrity of the tower with regard to design in weather, etc. Mr. Tracey provided an example of their integrity and stated that during Hurricane Andrew in Florida pictures show other structures having been destroyed but the towers still standing. He provided the Board with copies of the structural plans.

Mr. Mahaffey entertained questions from the audience. There were no questions.

**MOTION: Motion was made by Ms. Schwartz to approve the special exception for Cellco Partnership d/b/a Verizon Wireless for placement of a communication tower at 4 Coachman Drive. The motion was seconded by Ms. Hicks and unanimously approved.**

**CASE # 1560 – REQUEST OF BRYAN SPIES REPRESENTING THE TEAL ANTLER FOR THE FOLLOWING VARIANCES: 1) TO ALLOW AN ADDITIONAL 18.74 SQUARE FEET OF SIGNAGE FOR THE MURAL ON THE SIDE OF THE BUILDING AND 2) TO ALLOW ONE (1) ADDITIONAL WALL SIGN FOR THE EXISTING SIGN PANEL ON THE FRONT OF THE**

**BUILDING. THIS ACTION CONCERNS PROPERTY LOCATED AT 123 N. BRIDGE STREET, ELKTON, MARYLAND TAX MAP 310, PARCEL 1430 AND ZONED TC (TOWN CENTER)**

Mr. Bryan Spies of the Teal Antler was sworn in to address this variance request. Mr. Spies stated the business moved into the Anchor Pontiac building on Bridge Street around October 2019. They wanted to draw attention to this new business and decided to paint a mural of their logo on the south side of the building so that customers can see where they are located. They sell women's retail clothing. They also wanted to place a sign in the existing sign box located on the front of the building. When they submitted their request for the signs they were informed they were in the Historic District and would need to be heard by that Board prior to receiving their sign permits. He informed the Board they did go before the Historic Board and their signage request was approved.

Ms. Schwartz asked Mr. Spies if he was one of the owners. He confirmed that he is. Ms. Schwartz asked if they were going to keep the lights on at night. Mr. Spies stated that is their plan. Ms. Schwartz commented how nice it looked. Ms. Mahaffey agreed that the building looks nice.

Ms. Mahaffey asked if any other board members had questions. There were no additional questions. Ms. Mahaffey entertained questions or comments from the audience. There were none.

**MOTION: Motion was made by Ms. Hicks to approve the additional 18.74 square feet of signage for the mural on the side of the building. The motion was seconded by Ms. Schwartz and unanimously approved.**

**MOTION: Motion was made by Ms. Hicks to approve the variance to allow one (1) additional wall sign for the existing panel on the front of the building. The motion was seconded by Ms. Schwartz and unanimously approved.**

**CASE # 1561 – REQUEST OF KYSA PETTITT REPRESENTING MARYLAND AUTOMOTIVE & EQUIPMENT FOR A VARIANCE TO EXCEED THE TOTAL ALLOWABLE SQUARE FOOTAGE FOR SIGNAGE BY AN ADDITIONAL THIRTY EIGHT AND A HALF (38.5) 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)**

Ms. Kysa Pettitt representing Maryland Automotive & Equipment was sworn in to address this variance request. Ms. Pettitt stated they are requesting to place two signs at their business. One will be located on the building, it is small but they want to be sure customers know where their office is located since there is another business in the same building. She noted they are also requesting to place a sign on the existing pylon along Route 40 which will allow customers to find them.

Ms. Mahaffey asked if the pylon sign will be similar in size to the existing ones on the pylon. Ms. Pettitt stated that it will be the same size as the one for Mr. Comfort.

Ms. Mahaffey called for any questions or comments from the audience. There were no questions.

**MOTION:** Motion was made by Ms. Schwartz to approve the variance request of Maryland Automotive & Equipment to exceed the allowable square footage for signage by an additional 38.5 square feet. The motion was seconded by Ms. Hicks and unanimously approved.

**OLD BUSINESS:** None

**NEW BUSINESS:** Mr. Bromwell informed the Board there will be one case for the March meeting. It is an appeal of a zoning decision which he made.

The next meeting of the Board of Zoning Appeals will be March 19, 2020 at 6:00 p.m.

There being no further items for discussion the meeting was adjourned at 6:28 p.m.

Respectfully submitted,

Brie Humphreys