

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JULY 16, 2020
VIRTUAL MEETING MINUTES**

Present: Robert Olewine; Shirley Hicks; Kelly Bedder; Chip Bromwell, Zoning Administrator; Lisa Blackson, Esq., Legal Counsel

Absent: Dawn Schwartz; Heather Mahaffey; Sam Goldwater

The meeting was called to order by Mr. Olewine. He called for any additions or corrections to the minutes of the May 21, 2020 meeting. There being no corrections he called for the motion.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the May 21, 2020 meeting as written. The motion was seconded by Ms. Bedder and unanimously approved.

CASE # 1565 – REQUEST OF WILLIAM F. RIDDLE, ESQUIRE REPRESENTING FAIRWAY CAPITAL INVESTMENT, LLC, 204 E. MAIN STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION FOR PLACEMENT OF A STORAGE TRAILER FOR A PERIOD OF THREE (3) YEARS. THIS ACTION CONCERNS PROPERTY LOCATED AT 213 W. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCEL 310 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William Riddle, Esquire, and Mr. Hassan Hyat were in attendance to address this request on behalf of Fairway Capital Investment, LLC. Mr. Riddle stated his clients are requesting a special exception to be allowed to have a storage trailer for storage of scrap tires which will eventually be hauled away when the trailer is full.

Mr. Riddle referred to the picture he had submitted showing the location of the proposed trailer. It will be on the right side of the building and will be placed on a concrete slab which Mr. Riddle stated was one of the recommendations made by the Planning Commission when they heard the special exception request. He stated another recommendation they had made was that the trailer should be tagged at all times. He noted that since they would use it to transport the scrap tires to the recycler it would have to be tagged. He noted they will not have used/scrap tires stored anywhere other than in the trailer.

Mr. Riddle pointed out that on the original application he had requested the trailer for a period of six (6) months. Mr. Bromwell suggested that he request three (3) years since that is the length of time that would be allowed for this type of use. Mr. Riddle stated the Planning Commission recommended a one (1) year approval and if all is well at the end of that year then they could reapply for a three (3) year period.

Mr. Riddle stated their intention is to remove the scrap tires consistently. He recognized that in the County there has been an issue with scrap tires being stored at these facilities and they want to resolve that issue with this request for a storage trailer.

Mr. Olewine asked if all the tires for sale would be stored within the building. Mr. Riddle stated that his understanding was that if there are tires displayed on the outside of the building that they would have to be removed at the end of each business day and put inside the building. Mr. Olewine asked if this meets

all the requirements of this type of use in Town. Mr. Bromwell noted that they have built a separate room inside the building large enough according to the fire code to store any tires which would be placed inside the facility.

Mr. Olewine entertained questions from the other Board members. Ms. Hicks asked for clarification since there were a number of different time limits shown with regard to their request for a timeframe. Mr. Riddle stated his initial request was for six (6) months but after speaking to Mr. Bromwell he extended that request to three (3) years. He stated he is making a revision to that request and will only be asking for the special exception to be allowed for one (1) year.

Mr. Olewine opened the floor to any questions from anyone in the audience. There were no questions from the audience.

There being no other comments Mr. Olewine moved to the next case on the agenda.

MOTION: Motion was made by Ms. Hicks to approve the special exception for a storage trailer at 213 W. Pulaski Highway for Fairway Capital Investments with the following conditions: 1) approval for a one year period; 2) tires may be displayed outside of the building during the day but must be placed inside the building at the end of each business day; 3) trailer must be placed on either a blacktop or concrete hard surface; 4) trailer must be operable and 5) the trailer must remain tagged. The motion was seconded by Ms. Bedder with the remaining Board member, Mr. Olewine, voting his approval of the motion. The motion passed with three votes for the motion and no votes against.

CASE # 1566 – REQUEST OF SHIELDS & SHIELDS, PC, 840 WALNUT STREET, PHILADELPHIA, PENNSYLVANIA FOR A SPECIAL EXCEPTION FOR A MEDICAL USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, SUITE C, ELKTON, MARYALND, TAX MAP 316, PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Lashinsky, Practice Manager for Shields & Shields, was in attendance to present this request on their behalf. He explained to the Board that they are hoping to open a temporary office where they can do telemedicine. Patients will come in, get their eyes checked on various diagnostic machines and then the doctor will give them their diagnosis or treatment options via a meeting by way of telemedicine. He noted that from time to time they may have a doctor on site as they are able to fit it into the existing schedule.

Mr. Olewine asked if they would be treating patients at this site. Mr. Lashinsky responded that they will.

Mr. Olewine opened the floor to comments or questions from the Board. Ms. Hicks queried the number of patients they might see at this location from the Baltimore/Philadelphia/DC areas. Mr. Lashinsky suggested that they may have 15-30 patients a week. Ms. Bedder asked if the office will be fully staffed with physicians there from time to time. Mr. Lashinsky stated he is not sure, since their schedules are not set as yet, how often the doctors might be in this office.

Mr. Olewine entertained questions for participants online or on the phone. There was no one who wished to speak for or against this request.

MOTION: Motion was made by Ms. Bedder to approve the special exception for a medical use for Shields & Shields, PC. The motion was seconded by Ms. Hicks with the remaining Board member, Mr. Olewine, voting his approval of the motion. The motion passed with three votes for the motion and no votes against.

OLD BUSINESS: None

NEW BUSINESS: Mr. Bromwell stated there were no cases submitted for the August meeting.

Mr. Olewine read the Planning Commission recommendations for the two special exceptions. (see attached)

Mr. Olewine noted the next meeting would therefore be in September. There being no further business to discuss he adjourned the meeting at 6:25 p.m.

Respectfully submitted,

Brie Humphreys