

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
MAY 19, 2022
MINUTES**

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

Absent: Dawn Schwartz

The meeting was called to order by Mr. Olewine. He stated the first item on the agenda was approval of the minutes of the April 21st meeting as written.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the April 21, 2022 meeting as written. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Ms. Bedder – Aye; Mr. Olewine - Aye. The motion passed unanimously.

Mr. Olewine called for all presenters to be sworn in. Ms. Blackson swore in the presenters.

CASE # 1606 – REQUEST OF ROBERT & KELLEY LEGG FOR THE FOLLOWING VARIANCES: 1) PLACEMENT OF A SIX (6) FOOT PRIVACY FENCE IN A SECOND FRONT YARD (THYME STREET) AND 2) TO ALLOW FOR THE FENCE TO BE 100% SOLID. THIS ACTION CONCERNS PROPERTY LOCATED AT 112 SOUTH STREAM DRIVE, ELKTON, MARYLAND, TAX MAP 033D, PARCEL 2405 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Mr. Rich Lewandowski was in attendance to represent his sister, Mrs. Legg. Mr. Lewandowski stated his sister would like to place a 6’ solid privacy fence on their property to replace the existing 4’ fence. Mr. Olewine asked if the existing fence is on the property line. Mr. Bromwell explained that a 6’ solid fence would typically not be allowed to come into the front yard. Mr. Olewine asked if this request was for both front yards since this property is on a corner. Mr. Bromwell stated they are only requesting the variance for fence placement in the second front yard on Thyme Street.

Mr. Olewine requested clarification regarding where the fence would be placed. Mr. Bromwell stated the proposed 6’ privacy fence would be in the same location as the existing 4’ fence. He explained normally a privacy fence would not be allowed in a front yard and therefore this is the reason for the required variance.

Mr. Olewine asked if the proposed fence would be composed of solid vinyl. Mr. Lewandowski confirmed that it would be solid vinyl. Mr. Lewandowski offered to show the Board members a rendering of the fence which the Leggs are proposing to place in their yard. He provided a picture for the Board to review (see attached copy of the rendering).

Mr. Olewine entertained questions from the Board members. Ms. Hicks asked if they were aware of any issues with the neighbors in placing the requested 6’ solid vinyl fence in the front yard. Mr. Lewandowski stated according to his sister the neighbors were in favor of placement of the fence.

Mr. Olewine asked if anyone in the audience wished to speak for or against this request. There was no one in the audience who wished to speak.

Ms. Blackson asked what the reasoning might be for the 6' fence. Mr. Lewandowski stated his sister has dogs and since the fence is close to the sidewalk they felt it would be helpful to block the dog's view of people walking by so they don't bark at them. Also they have a 2 year old daughter and they want it for safety reasons.

MOTION: Motion was made by Ms. Hicks to approve the variance for placement of a 6' fence in a second front yard (Thyme Street). The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

MOTION: Motion was made by Ms. Hicks to approve the variance to allow for the fence to be 100% solid. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

CASE # 1607 – REQUEST OF PAUL PALMER REPRESENTING DR. ELIZABETH LOWE FOR A SPECIAL EXCEPTION FOR A MEDICAL USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 360 EAST PULASKI HIGHWAY, SUITE 3A, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2384 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Dr. Elizabeth Lowe and Mr. Darryl Schneider of Bay Country Associates representing Mr. Paul Palmer and were in attendance to address this special exception request. Mr. Schneider stated they are requesting the special exception for Dr. Lowe's medical office to be relocated from 111 W. High Street to 360 East Pulaski Highway as required by the Town code.

Mr. Olewine asked Dr. Lowe the number of patients she would see in a day. Dr. Lowe stated she seeks approximately 25 patients in an 8 hour day.

Mr. Olewine entertained questions from the other Board members. Ms. Bedder asked if the space they would be moving into at 360 East Pulaski Highway was where ATI had been located. Dr. Lowe stated she was correct.

There were no additional questions from the remaining Board members. Mr. Olewine asked if anyone in the audience had questions regarding this case. There were no questions from the audience.

Mr. Olewine read the recommendation from the Planning Commission at their May 9th meeting. (see attached)

MOTION: Motion was made by Ms. Bidder to approve the special exception for a medical use for Dr. Elizabeth Lowe at 360 East Pulaski Highway. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

OLD BUSINESS: None

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NEW BUSINESS: Mr. Bromwell stated there have been four cases submitted for the May meeting, two variance requests and two special exceptions.

NEXT MEETING: Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be Thursday, June 16, 2022.

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:19 p.m.

Respectfully submitted,

Brie Humphreys