

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JULY 21, 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 June 16<sup>th</sup> meeting.

**ACTION:** Motion was made by Ms. Bedder to approve the minutes from the June 16, 2022 meeting as written. 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.

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

**CASE # 1609 – REQUEST OF ERIC OLSON REPRESENTING CECIL COUNTY PUBLIC SCHOOLS FOR THE FOLLOWING: 1) A VARIANCE OF THIRTY (30) SQUARE FEET TO EXCEED THE ALLOWANCE OF TWO (2) SQUARE FEET FOR A SIGN WHICH IDENTIFIES A PERMITTED NON-RESIDENTIAL USE IN A RESIDENTIAL ZONE AND 2) A VARIANCE TO INSTALL A BACKLIT ILLUMINATED DOUBLE SIDED SIGN IN THE R-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 201 BOOTH STREET, TAX MAP 027H, PARCEL 1447 AND ZONED R-3 (URBAN RESIDENTIAL)**

Ms. Blackson noted that when the public notice was placed in the paper the variance to exceed the allowable square footage was called out as thirty (30) square feet instead of sixty (60) square feet. The sign requested is double sided and therefore the public notice is only representing a one sided sign. Therefore, the Board members need to determine if they have enough information to proceed reviewing this request to offer a decision on it this evening.

Mr. Olewine asked the Board members if they had any objection to proceeding with the correction from thirty square feet to sixty square feet for the double sided sign. The Board members had no objections and agreed to hear the case.

Mr. Eric Olson of Cecil County Public Schools was in attendance to address this request. He stated that the school currently has a sign of similar dimensions (8' x 4' double sided) which is backlit and they wish to replace the existing sign with the one being proposed. He stated the new sign will be in the same location and there have been no concerns with the current sign.

Mr. Olewine confirmed that they are seeking an additional sixty two (62) square feet of signage for the proposed sign in accordance with the revision noted by Ms. Blackson.

He asked if any of the Board members had any additional questions. There were no other questions from the Board. Mr. Olewine asked if anyone in the audience wished to speak for or against this request. There was no one in attendance who had any questions.

**MOTION: Motion was made by Ms. Mahaffey to approve the amended variance to exceed the allowable square footage for a sign by sixty two (62) square feet. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Hicks – Aye; Mr. Olewine – Aye. The motion passed unanimously.**

**MOTION: Motion was made by Ms. Hicks to approve a variance to install a backlit illuminated doubled sided sign for 201 Booth Street. 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.**

**CASE # 1612 – REQUEST OF NATHAN HENDERSON REPRESENTING ALIGN PHYSICAL THERAPY FOR A SPECIAL EXCEPTION TO OPERATE A PHYSICAL THERAPY FACILITY. THIS ACTION CONCERNS PROPERTY LOCATED AT 1197 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2336 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Nathan Henderson, the owner of Align Physical Therapy, was in attendance to address this request. He stated the proposed physical therapy facility will be locally owned and operated. They practice currently in Perryville and are seeking the special exception to open a location in Elkton at Delancy Plaza.

He stated one of the main therapies they will be using will be aquatic therapy. He stated that physicians at Christiana Care have needed to send their patients to Pennsylvania for this type of therapy. He mentioned that in contrast to other therapy businesses their therapist sessions are for a full hour, one therapist to one patient. He said this intense therapy provides for a better outcome for the patient.

Mr. Henderson stated he has a therapy license and his business partner is Dr. Joshua Harmon who is also a licensed therapist. Mr. Olewine asked him the number of patients they might see per day. Mr. Henderson stated there will be three providers who would each see one patient an hour and therefore the maximum number of patients they might see per day would be 36. He said it is unlikely they would have that many patients each day and noted that in the Perryville facility they see approximately 25 patients per day.

Mr. Olewine mentioned the parking space requirement might be six vehicles at any given time. Mr. Henderson agreed and noted that the parking was one of the considerations for this particular location after looking at other strip mall locations.

Mr. Olewine asked if they would be dispensing any medications at the facility. Mr. Henderson said their intention is to let clients know that physical therapy is more than just rehabilitation and they do not dispense any medication. He stated he has been in this field since he was 18 years old. He had been at another facility and left there when they sold out to a corporate entity and moved toward a higher number of patients.

Mr. Henderson stated that Align has good reviews from patients and they have a good relationship with the physicians they work with. Mr. Olewine asked if he would be onsite at the Elkton location or rotating between the two facilities. Mr. Henderson stated he will manage the Elkton office and handles the paperwork with the insurance companies. He noted he also does about 10 hours of therapy a week as well.

Mr. Henderson provided the Board members with brochures showing the aqua therapy system they will be using and describing the other therapy they provide.

There were no questions or comments from the Board members. Mr. Olewine asked if anyone in the audience wished to speak for or against this proposal. There was no one in attendance who had any questions.

Mr. Olewine read the recommendation from the Planning Commission from their meeting on Monday, July 11, 2022. (See attached)

**MOTION: Motion was made by Ms. Hicks to approve the special exception requested by Align Physical Therapy to operate a physical therapy facility at 1197 East Pulaski Highway. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Mahaffey – Aye. The motion passed unanimously.**

**CASE # 1613 – REQUEST OF DONALD NOTIGAN PRESENTING TERUMO MEDICAL CORPORATION FOR A VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN (40 SF) BY 231.53 SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 950 ELKTON BOULEVARD, ELKTON, MARYLAND, TAX MAP 027G, PARCEL 2181 AND ZONED BI (BUSINESS AND INDUSTRIAL)**

Mr. Donald Notigan, Senior Manager of Facilities, was in attendance to represent Terumo Medical Corporation for this variance request. He stated that Terumo is requesting placement of a larger sign since the building is rather large and sits at a considerable distance from the road.

He stated the sign renderings which were provided show the proposed sign during the day and also during the evening when it will be illuminated. Mr. Olewine noted the sign will be on the north east side of the building. He stated the building is 860' from Elkton-Newark Road and 690' from Blue Ball Road and therefore they would need a larger sign for visibility from those roads. Mr. Notigan mentioned the sign will be illuminated.

Mr. Olewine asked if any Board members had questions. There were no additional questions from the Board. Mr. Olewine asked if any audience members had questions. There was no one in attendance to speak for or against this request.

**MOTION: Motion was made by Ms. Hicks to approve a variance request to exceed the allowable square footage for a wall sign by 231.53 square feet for Terumo Medical Corporation. 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.**

**CASE # 1614 – REQUEST OF MICHAEL MARINE REPRESENTING WALMART SUPERCENTER FOR A SPECIAL EXCEPTION FOR STORAGE TRAILERS. THIS ACTION CONCERNS PROPERTY LOCATED AT 1000 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 0493 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Michael Marine was in attendance to represent Walmart for this special exception request. He stated he was before the Board two months ago for 17 storage trailers. They are still seeing an influx of freight and now they are beginning to receive their holiday freight approximately two months early.

He stated that essentially what they are requesting is to combine the previous special exception with the newly proposed special exception for additional storage trailers. He mentioned that they usually come in each year to request storage trailers for holiday merchandise. He said they would like to request a three year timeframe to include all the required storage trailers. Mr. Marine stated he doesn't see them placing all the trailers at one time but placing them on an as needed basis only. He referred to the trailer layout which was submitted and pointed out which trailers are currently existing and then noted where the trailers would be added during the year as they are required.

Mr. Olewine asked if some of the trailers will be there permanently. Mr. Marine said they hope not to have trailers on site year round. The trailers which are currently on site will remain there through the holidays. He stated that due to the issues with ships waiting off the West Coast to be unloaded they are getting freight shipped outside of the normal delivery times. Once the amount of freight being sent is reduced sometime after the holidays then they are hoping to remove some of the trailers which aren't necessary.

Mr. Olewine asked if the access lane, where some of the trailers are currently located, will remain open. Mr. Marine stated the 40' trailers fit in the parking spaces and therefore there is easy access for vehicles. During the holidays the access lane will be closed off for the safety of their associates. He mentioned that they would only be placing two trailers at the rear of the building for safety reasons and so that vehicles have access to drive through that area.

Mr. Olewine entertained questions from the Board. There were no questions.

Mr. Bromwell clarified that the reason for the three year term is so Walmart doesn't have to come back in to request the trailers so often. Ms. Blackson asked if it is their intention to replace the opinion from Walmart's submission earlier in the year with the one for this special exception request.

Mr. Marine stated they prefer not to keep trailers on the property but they have no other place to store the amount of merchandise they are receiving. It was noted this request will be for a maximum of 52 trailers.

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

Mr. Olewine read the Planning Commission recommendation from their meeting on Monday, July 11, 2022. (See attached)

**MOTION: Motion was made by Ms. Bedder to approve the special exception for storage trailers for Walmart for a three year period to supersede the earlier opinion for storage trailers. 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:** There were no items of old business to discuss.

**NEW BUSINESS:** Mr. Bromwell stated there have been no cases submitted for the August meeting.

**NEXT MEETING:** Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be in September 2022.

There being no further business to discuss Mr. Olewine called for a motion to adjourn the meeting.

**MOTION: Motion was made by Ms. Hicks to adjourn the meeting. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Mahaffey – Aye; Mr. Olewine – Aye.**

The meeting adjourned at 6:33 p.m.

Respectfully submitted,

Brie Humphreys