

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JANUARY 20, 2011
MINUTES**

Present: Ronald Rae; Robert Olewine; Jared Roudybush; Richard Rinehart; Charles Bromwell, Acting Director of Department of Building and Zoning; Brenda Sexton-Wilson, Esquire, Attorney; Brenda Humphreys, Building & Zoning Department

Absent: Sharon Foster, Chair

Mr. Rae called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Olewine to approve the minutes of the November 18, 2010 meeting. Motion was seconded by Mr. Rinehart and unanimously approved.

CASE # 1410 – REQUEST OF JAYANTILAL PATEL, M.D., 65 GINA COURT, ELKTON, MARYLAND FOR THE FOLLOWING VARIANCES: 1) TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR SIGNAGE BY 33.02 SQUARE FEET; 2) 1.75’ FRONT SETBACK AND 3) 5.46’ SECOND FRONT SETBACK. THIS ACTION CONCERNS PROPERTY LOCATED AT 123 SINGERLY AVENUE, ELKTON, MARYLAND, TAX MAP 310, PARCELS 831 & 1345, ZONED R-O

Dr. Jayantilal Patel and Mr. Michael Hewitt of Gable Signs were sworn in and introduced to the Board. Mr. Hewitt stated that they are requesting to fabricate and install a 33 square foot monument sign at the corner of Singerly and High Streets. It will consist of a header which will identify the building by address, 123 Singerly, with room for four tenant spaces. The reason for the signage is for identification of the building since there is another medical office building across High Street and the hospital is located across Singerly. They are requesting this specific placement so that it can be seen by patients coming from either direction.

Dr. Patel agreed that the purpose of the sign is so patients can easily identify the building and so they will not have to drive around searching for it which is what is occurring currently.

Mr. Rae asked if the sign would be illuminated. Mr. Hewitt acknowledged that only the letters in the sign header would be raised and lighted. He noted that the address has been placed on the building along High Street as well which will be an additional benefit to patients.

Mr. Rae entertained questions or comment from the other Board members. There were none. He also called for comment from the audience. There were no comments given.

Mr. Rae informed the applicants that they could stay to receive the decision on their case or they could call the office in the morning for the decision.

MOTION: Motion was made by Mr. Olewine to approve the variance to exceed the allowable square footage for the sign by 33.02 square feet, the 1.75’ front setback variance, and the 5.46’ second front setback variance for 123 Singerly Avenue. The motion was seconded by Mr. Rinehart and unanimously approved.

CASE # 1411 – REQUEST OF KC SIGN COMPANY, 142 CONCHESTER HIGHWAY, ASTON, PENNSYLVANIA FOR THE FOLLOWING: 1) A ZERO (0) FOOT FRONT SETBACK VARIANCE AND 2) A VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR SIGNAGE BY 120.50 SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 1101 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2330, ZONED C-2

Mr. Aubrey Ewing, owner of Jayco Liquors and Mr. Greg Feld of KC Sign Company were sworn in and introduced to the Board. Mr. Feld stated that they wish to place a new double sided sign which will be approximately 220 square feet in the same location as the old sign. He stated they are requesting a zero (0) setback for the sign.

Mr. Ewing noted the significant drop in sales in the months of October, November and December and stated that it is important that they get their sign back up. He noted that customers came in thinking that they had gone out of business or not realizing there was a liquor store at that location. He stated that although he knows the drop in sales is not exclusively due to the missing sign he feels their signage is extremely important to their livelihood. There was discussion regarding the trees on the west property line which are part of a wetlands delineation area and cannot be removed.

Mr. Rae asked if the sign would be illuminated. Mr. Ewing stated that it would be illuminated. He went on to say that the previous sign had been at this location since 1976. Mr. Rae asked if the sign would be moved closer to Route 40. Mr. Feld stated that the old sign was nine feet from the road to the edge of the sign and that is what they are proposing for the new sign.

Mr. Rinehart asked if the Rogers Customs sign would remain. Mr. Ewing stated that it would remain. He pointed out that the reasoning for the additional square footage was due to the fact that there are two businesses on the same property. Mr. Olewine asked if their request takes into consideration all of the signage on the property. Mr. Feld explained the amount of signage and the need for the additional square footage. It was determined that the new request is essentially the same amount of signage that was at the property prior to the old sign being damaged.

Mr. Roudybush asked if the entire sign would be illuminated. Mr. Feld stated that all of the cabinets on the proposed sign are internally illuminated.

Ms. Sexton-Wilson asked for clarification regarding the location of the previous sign with the proposed sign. Mr. Ewing stated that he would like to place the new sign at the same location as the old sign. Ms. Sexton-Wilson stated that it would be up to Maryland State Highway whether the sign could be placed at the same location. He suggested that if the Board did not agree he would place the sign behind the curb. Mr. Ewing stated that the State Highway property is just beyond the curb.

Ms. Sexton-Wilson noted that their request for a zero (0) setback takes into consideration that State Highway might not agree to allow the sign where the previous sign had been placed. Mr. Feld stated that if they did not agree that the sign would have to be placed at the zero (0) setback. Mr. Ewing pointed out that his understanding is that State Highway would not allow the sign to be placed on State Highway property.

Ms. Sexton-Wilson clarified that their situation is such that you are expecting to have to move the sign just beyond the property line and not within the State Highway right of way.

Mr. Bromwell pointed out that the leading edge of the sign is what should be at the property line, rather than the pole itself.

Discussion ensued as to other locations for the sign on the property.

Mr. Ewing pointed out that there are numerous signs along Route 40 in the same location as his previous sign. He added that if he had chosen to replace the sign he could understand that the sign would need to be moved out of the State Highway right of way but the sign was removed through no fault of his own. Mr. Ewing addressed the wetland area beside his property.

Mr. Rae informed the applicants that they could stay to receive the decision on their case or they could call the office in the morning for the decision.

Mr. Rae entertained comment from the audience.

Mrs. Ellen Ewing spoke in favor of the variance request noting that the business is their livelihood. She stated that the absence of the sign has been devastating and how important it is for their business.

There were no additional comments with regard to this case.

MOTION: Motion was made by Mr. Olewine to approve the sign with the zero (0) foot front setback variance and the variance to exceed the allowable square footage for signage by 120.50 square feet. The motion was seconded by Mr. Roudybush and unanimously approved.

OLD BUSINESS: There were no items presented for discussion.

NEW BUSINESS:

Election of Officers

Mr. Rae noted that a new Chair and Vice Chair of the Board of Zoning Appeals for the 2011 Calendar Year would need to be elected.

Ms. Wilson-Sexton pointed out that prior to that vote it should be noted that it is her understanding that neither Mr. Rae nor Ms. Foster would be returning to the Board. Two new members had been appointed. She presented the Board with three options prior to making their decision. She stated that the Board could vote on these positions at this meeting, they could wait until the new members are seated, or should the vote be held until the next meeting the Mayor may appoint the Chair and Vice Chair if the decision is not made by the Board prior to January 31, 2011.

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MOTION: Motion was made by Mr. Rae to nominate Mr. Robert Olewine for Chair of the Board of Zoning Appeals and Mr. Jared Roudybush for Vice Chair of the Board of Zoning Appeals. The motion was seconded by Mr. Rinehart.

There were no additional items for review or discussion and Mr. Rae adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Brenda Humphreys