

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
SEPTEMBER 22, 2011
MINUTES**

Present: Robert Olewine; Jared Roudybush; Richard Rinehart; Shirley Hicks; Dawn Schwartz; J. Craig Trostle, Jr., Director, Building & Zoning; Brenda Sexton-Wilson, Esquire, Attorney; Brenda Humphreys, Building & Zoning Department

Absent: None

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

ACTION: Motion was made by Ms. Hicks to approve the minutes of the August 18, 2011 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1422 – REQUEST OF SITE ENHANCEMENT SERVICES REPRESENTING OLIVE GARDEN, 300 EAST PULASKI HIGHWAY, ELKTON, MARYLAND FOR A TWENTY (20) FOOT HEIGHT VARIANCE FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 300 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2377, ZONED C-2

Mr. Shawn Smith of Site Enhancement Services was in attendance to address this request. He stated that the Olive Garden is requesting a height variance for placement of a pylon sign. He explained that the Zoning Ordinance allows signage on commercial properties to be at the same height as the building and unfortunately it was necessary for them to move the location of the sign from where they originally wished to place it.

The location that they are proposing is the only location feasible due to visual obstruction of other businesses, traffic maneuvers and underground utilities. In order to meet the easement requirements this was the best location and therefore they are requesting additional height to be separated from the existing pylon sign in that area.

Mr. Olewine entertained questions from the Board. Ms. Schwartz thanked Mr. Smith for their sensitivity to other businesses in the area.

Mr. Rinehart questioned whether two pylons would be allowed at the same location. Mr. Trostle explained that initially the developer had considered demolishing the ‘Old Walmart’ building sign but those plans have changed. He stated that they were within the allowances of the Town Ordinance to place any type of sign as long as they stay within the square footage allowance.

Ms. Hicks thanked Mr. Smith for his informative presentation and handouts.

Mr. Olewine entertained questions from the audience. There were none.

MOTION: Motion was made by Ms. Schwartz to approve the 20' height variance for the Olive Garden. The motion was seconded by Ms. Hicks and unanimously approved.

CASE # 1423 – REQUEST OF PAINT’N PLACE SIGNS REPRESENTING RT 40 VENTURE, LLC, 216 EAST PULASKI HIGHWAY, ELKTON, MARYLAND FOR THE FOLLOWING VARIANCES: 1) EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR SIGNAGE BY 86.7 SQUARE FEET AND 2) THIRTY (30) FOOT FRONT SETBACK VARIANCE FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 216 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2374, ZONED C-2

Mr. David Mangano of Paint’n Place Signs was in attendance to address this request. He stated his client would like to place a sign at the Remax building located on Route 40. The proposed sign is an electronic reader board. They would like to place the sign on the front property line due to the location of many of the other signs in that area.

He stated they wish to add a new sign and increase the square footage by 86.7. The owner, Mr. Horton, has a lot of square footage for lease which he would like to keep filled and this would be the best way to advertise the availability of space.

Mr. Olewine asked if the existing sign would remain. Mr. Mangano stated that would be up to Mr. Horton but other businesses at the complex are currently using that sign. Mr. Horton stated that he did not intend to remove the other signage and the other signs are set back further than the one they are proposing. He stated he has ten (10) other tenants currently and those signs are needed for identification purposes. Mr. Olewine asked if the additional footage is part of the total signage on the site. Mr. Horton stated that it is. He pointed out that the east side of the building has no visibility. Mr. Mangano added that the existing sign is more of a directory sign as opposed to advertisement and is not easily visible from Route 40. He said the lettering on the existing sign is not large enough to read if you are traveling at the correct speed on that road. Mr. Horton stated that the proposed sign would line up with the businesses on either side of his property. Mr. Mangano presented additional visual information to the Board with regard to the location of the proposed sign with the neighboring properties. Mr. Horton pointed out that his sign would be behind both Denny’s signs and in line with the Patterson Schwartz sign. He added that he would be losing one parking space in order to place the sign at the location they are requesting.

Ms. Hicks asked Mr. Horton to summarize the purpose of both the new and old signs. Mr. Horton shared that the old sign is back off the road and is used to identify the tenants. The new sign would be used to advertise the businesses in the complex.

Ms. Schwartz asked if the proposed sign was similar to the one currently located at Paint'n Place Signs. Mr. Mangano stated that it was similar but slightly larger.

Mr. Olewine entertained additional question or comment from the Board and audience. There were none.

MOTION: Motion was made by Mr. Roudybush to approve the 86.7 additional square feet requested for 216 E. Pulaski Highway. The motion was seconded by Mr. Rinehart and unanimously approved.

MOTION: Motion was made by Mr. Roudybush to approve the thirty (30) foot front setback variance for placement of a sign at 216 E. Pulaski Highway. The motion was seconded by Mr. Rinehart and unanimously approved.

CASE # 1424 – REQUEST OF PAINT'N PLACE SIGNS REPRESENTING MR. ELECTRIC, 1031 SINGERLY ROAD, ELKTON, MARYLAND FOR A TWENTY-FIVE (25) FOOT FRONT SETBACK VARIANCE FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 1031 SINGERLY ROAD, ELKTON, MARYLAND, TAX MAP 306, PARCEL 2124, ZONED C-2

Mr. Mangano was in attendance to represent this request. The Board agreed to hear the case although they had been unable to review the proposal since there had been no site plan or sign artwork provided to the Town prior to the packets being delivered.

Discussion ensued regarding the exact location of the business. Mr. Mangano stated that the reasoning for the signage is for potential clients to be able to locate the business. It was determined that the business has been at this location since 2007. The business is located in the BI zone in a structure that was previously a residence.

Mr. Mangano pointed out that they believe people passing by that location do not realize that a business is located there and the proposed sign would make them more visible. Mr. Olewine pointed out that this is not a storefront where electrical supplies can be purchased but where someone can schedule work to be done at their home or business.

Mr. Trostle stated that Dogwood Road comes up along side their business and he asked if the sign would block the visibility while stopped at the stop sign for people traveling north onto Route 213 off of Dogwood Road. Mr. Mangano stated that the proposed location would be behind the existing telephone poles which are behind the stop sign. He added that their sign would be in the same area as the APM business further south on Route 213.

Mr. Olewine entertained additional questions or comment from the Board or audience. There were none.

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MOTION: Motion was made by Mr. Rinehart to approve the 25' setback for the proposed sign at 1031 Singerly Road. The motion was seconded by Mr. Roudybush and unanimously approved.

OLD BUSINESS: There will be no meeting in October.

NEW BUSINESS: There were no items presented for discussion.

There were no additional items for review or discussion and Mr. Olewine adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Brenda Humphreys