

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
OCTOBER 22, 2009
MINUTES**

Present: Sharon Foster, Chair; Ronald Rae; Robert Olewine; Jared Roudybush; Dawn Marie Baylis; Brenda Sexton-Wilson, Esquire, Attorney; J. Craig Trostle, Jr., Director, Building & Zoning; Brenda Humphreys, Administrative Assistant

Absent: None

Steno: Carol Beresh

Ms. Foster called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Olewine to approve the minutes of the September 17, 2009 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1385 – REQUEST OF ANGELITA SMITH, 6 CAPRICE COURT, ELKTON, MARYLAND FOR A 10' REAR SETBACK VARIANCE TO CONSTRUCT A DECK. THIS ACTION CONCERNS PROPERTY LOCATED AT 6 CAPRICE COURT, TAX MAP 312, PARCEL 2431, ZONED R-3

Ms. Angelita Smith was sworn in and introduced to the Board. She began by apologizing because the deck had already been constructed. She stated that she has never been a homeowner before and had asked the person helping her with the deck if she needed a permit. She misunderstood and thought that he was going to take care of the permit.

Ms. Foster asked if the deck has had any inspections from the Town. Ms. Smith stated that she found out that it needed to be inspected after the Town inspector approached her about the new deck construction.

Ms. Foster asked if the person who did the construction for her was a contractor. Ms. Smith stated that a friend had helped her with the construction of the deck.

Ms. Foster asked if steps were to be added to the existing deck. She stated that she preferred that there be no access from the yard to the deck for security.

Ms. Foster asked how long ago the deck was constructed. Ms. Smith stated that it had been completed for about a month before the inspector came to the house. She added that the cut off for the previous month's meeting had just passed when she submitted her variance application.

Ms. Foster asked her if she was aware that since the deck was constructed without any inspections that she would be required to make any corrections required by the Building Department for compliance with the Code. Ms. Smith stated that she understood.

Ms. Foster entertained questions from the Board. There were none. Ms. Foster invited members of the audience to speak either for or against the request. There were no comments from the audience.

MOTION: Motion was made by Mr. Rae to approve the 10' rear setback variance for the deck. The motion was seconded by Ms. Baylis and unanimously approved.

CASE # 1387 – REQUEST OF TRIANGLE SIGN & SERVICE, 11 AZAR COURT, BALITMORE, MD TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A SIGN BY 85.2 SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 1189 E. PULASKI HIGHWAY, TAX MAP 316, PARCELS 2335, 2336 & 2337, ZONED C-2

Mr. Jeffrey Greenberg of Triangle Sign & Service was sworn in and introduced to the Board. Mr. Greenberg stated that the request is for a newly proposed double faced sign that will exceed the allowable square footage for the property. The sign will be located 38' 4" from the front property line. He stated that the reasoning for the additional sign is that the business cannot be seen by passing motorists traveling east and west on Route 40 and does not allow sufficient time for them to decelerate in order to turn into the business in time.

Ms. Foster asked whether PNC currently has a sign at the front of their building. Mr. Greenberg stated that they have a wall sign but the freestanding sign belongs to Delancy Plaza and has other tenants signs on it.

Ms. Foster asked if the design of the proposed sign is a standard for PNC bank. Mr. Greenberg stated that it is their standard. Ms. Foster asked if the proposed sign is in line with the billboard currently existing. Mr. Greenberg stated that the proposed sign is closer to Route 40 and will be 42' 8" from the curb and 7' from the west property line to the center of the sign. Ms. Foster asked if the sign would be lighted. Mr. Greenberg answered in the affirmative. There was some discussion regarding the proposed sign location with reference to the existing billboard. Mr. Greenberg pointed out that the proposed sign would sit further east on Route 40.

Mr. Olewine asked if the billboard would remain. Mr. Greenberg stated that the billboard does not belong to them. Mr. Rae asked if the sign would infringe on any of the parking spaces. Mr. Greenberg stated that it would be located in the grassy area.

Ms. Foster entertained questions from the audience. There were none.

MOTION: Motion was made by Mr. Roudybush to approve the variance to exceed the allowable square footage for a sign by 85.2 square feet. The motion was seconded by Mr. Olewine and unanimously approved.

CASE # 1388 – REQUEST OF MUHAMMED A. NIAZ, 107 NORTH BRIDGE STREET, ELKTON, MARYLAND FOR A 3' 4" FRONT SETBACK VARIANCE TO CONSTRUCT A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 107 NORTH BRIDGE STREET, TAX MAP 310, PARCEL 1423, ZONED C-1

Muhammed A. Niaz, M.D. was sworn in and introduced to the Board. Dr. Niaz stated that his practice is for primary care and geriatrics. He stated that when he began his office and was getting ready to place their sign they noticed that the signs on the businesses near them were

closer to the road. He stated that they aligned their sign with the other signs and placed it slightly behind the existing signs. He believes that if it is placed any further back that it would not be able to be seen by his patients. Ms. Foster pointed out that the existing temporary sign that they have placed is at least 5 feet back from the property line and wondered if his patients are able to see that sign. Dr. Niaz said that his geriatric patients have trouble seeing.

Ms. Foster asked the reason for the design and size of the sign. Dr. Niaz stated that the size of the sign is allowed but that they are proposing to remove the cement block at the edge of the sign closest to the road. They plan to have a flower bed around the base of the sign. Ms. Foster asked what type of signage will be placed on the sign. A rendering of the words that were intended for the sign was provided to the Board. Ms. Foster asked if the sign will be lighted. It was determined that the sign will have a light shining up on it from the ground

Ms. Foster asked if they would be placing stucco over the masonry block. Dr. Niaz answered in the affirmative but added that one foot of the sign will be cut off. Ms. Foster asked if they had the sign size designed. Dr. Niaz stated that it was designed.

Ms. Baylis inquired about the square footage of the sign and whether it needed a variance as well. Mr. Trostle stated that if they cut the sign down in the manner they described it would be within the allowable square footage.

Mr. Rae asked if they had received any complaints from the neighbors. Dr. Niaz stated that he was not aware of any complaints. Ms. Lisa Vanhorn from Dr. Niaz' office stated that she had received no complaints but that the patients have said that they appreciate the sign being there.

Dr. Niaz mentioned that according to the survey half of the neighbor's driveway is actually part of their property.

Ms. Foster asked if they considered a pylon sign similar to the one at the business across the street. Dr. Niaz stated that he believed what they design is nicer and is similar to the sign at City Pharmacy.

Ms. Foster entertained questions from the audience. Ms. Lisa Vanhorn stated that patients liked the location of the temporary sign because the lettering is easy to see. Ms. Foster confirmed that the patients are able to see the existing temporary sign. Ms. Vanhorn answered in the affirmative.

MOTION: Motion was made by Mr. Roudybush to deny the 3' 4" front setback variance for the sign based on location and visibility of the temporary sign and the inability to comply with the conditions set forth in the Zoning Ordinance regarding a variance. The motion was seconded by Mr. Olewine and unanimously approved.

OLD BUSINESS – Mr. Trostle informed the Board that an administrative review had been requested regarding parking at 401 North Street. He stated that he needs to make a determination regarding their request for a waiver of parking at this location. There was discussion regarding where vehicles would be allowed to park.

NEW BUSINESS – Mr. Rae inquired about the property at the old George's Restaurant. Mr. Trostle stated that a church is now located at 155 East High Street and he understands from their website that they are hoping to purchase the property on Route 40 and Landing Lane where George's Restaurant had been located. Mr. Trostle stated that the daycare at 155 East High Street is part of the church.

Mr. Olewine inquired about when the Elkton Senior Apartments might be constructed. Mr. Trostle stated that they have not received final approval as yet.

Ms. Foster asked about the use of the parking spaces assigned to the Senior Apartments and owned by Elizabeth Maresca. Mr. Trostle stated that three of the spaces are being used by more than one business and that Ms. Maresca would have to place parking spaces at the Boys & Girls Club.

There was discussion regarding the house at the corner of Delaware Avenue and Main Street. Mr. Trostle stated that it is a duplex and the lot is nonconforming. He was approached about the property being subdivided and he informed them that it could not be subdivided due to the fact that it will cause two nonconforming lots.

There being no further business to discuss Ms. Foster adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Brenda Humphreys