

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
NOVEMBER 20, 2008
MINUTES**

Present: Sharon Foster, Chair; Ronald Rae; Robert Olewine; Patrick Tuer;
Jared Roudybush; J. Craig Trostle, Jr., Director, Building & Zoning;
Leonard E. Wilson, Esquire, Attorney; Brenda Humphreys, Building &
Zoning Department

Absent: None

Steno: Carol Beresh

CASE # 1360 – REQUEST OF DAVID MANGANO, 405 N. BRIDGE STREET, ELKTON, MARYLAND FOR THE FOLLOWING: 1) VARIANCE TO EXCEED THE PERMITTED SIGN AGGREGATE BY 40 SQUARE FEET; 2) AN 18.5 FOOT FRONT SETBACK VARIANCE TO PERMIT PLACEMENT OF A SIGN; 3) A 19 FOOT SIDE SETBACK VARIANCE. THIS ACTION CONCERNS PROPERTY LOCATED AT 405 N. BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 738 AND 739, ZONED B-I

Mr. David Mangano of Paint ‘N Place Signs was sworn in and introduced to the Board. He stated that he has been one of the owners of the business since 1992. He provided the Board with letters from the Four Corners Tavern and the owners of the first house located on Elkton Boulevard. Ms. Foster asked if he had obtained a letter from anyone at the Delaware Express property south of his property. Mr. Mangano stated that he had not received a letter from Delaware Express. He mentioned that he had spoken to someone that worked there who saw him taking pictures but that no formal contact had been made with the company.

Ms. Foster asked if the sign rendering provided would be exactly what would be placed. Ms. Foster questioned whether he felt he needed a sign of that height and square footage. Mr. Mangano stated that the rendering is exactly the sign which would be placed. He stated that the sign height, spacing between the words and logo were correctly represented and that he felt it was needed at this location. He noted that the business has been at that location for over 20 years and that he has been with the company since 1992. He added that over the past 16 years customers have told him that they did not realize where his business was located. He pointed out that the current wall sign has been on the building since 1993 or 1994. He stated that drivers are unable to see the wall sign when driving south on Route 213 and have passed the building before they recognize the sign.

Mr. Mangano stated that he thought the zoning for his building was C-2 but currently found out that it is zoned BI. He pointed out that the gas station north of his property is

zoned C-2. He stated that the setback was his original concern when he found out the zoning was different and he decided to keep the signage where he originally planned.

Mr. Mangano pointed out that from the corner of his property to the bridge is not very attractive which is partially due to the fence at Delaware Express which always has trash against it and the building project at the corner of Route 213 and Elkton Boulevard which is currently under construction.

Ms. Foster inquired about a section of fence which the submission states would be placed. Mr. Mangano stated that his company would be placing a fence in order to block the view from his property up to the bridge on Route 213.

Mr. Rae asked if Mr. Mangano was part of a group that owned the building. Mr. Mangano stated that the business stated out as 'Sign Scape' and has evolved into Paint 'N Place. He noted that they have enough square footage in property to subdivide should that be required in the future. He pointed out Exhibit F which was part of his submission and which calls out a sign for a future tenant.

Mr. Olewine questioned which Exhibit shows what he is currently asking for. Mr. Mangano stated that Exhibit C is what he is currently requesting. Mr. Olewine noted that he has two signs currently and wondered why, after 14 years, he is adding more signage. Mr. Mangano stated that because customers are missing his business while driving he felt it prudent to provide additional signage which faces the road. Mr. Olewine stated that the square footage he is requesting includes the square footage shown on Exhibits A, D, C and 4. Mr. Mangano stated that he was correct. Ms. Foster asked whether all three signs shown on these exhibits would be on the proposed sign. Mr. Mangano stated that they would.

Ms. Foster entertained additional questions from the Board or the audience. There were none.

MOTION: Motion was made by Mr. Rae to approve the variance to exceed the permitted sign aggregate by 40 square feet. The motion was seconded by Mr. Olewine and unanimously approved.

MOTION: Motion was made by Mr. Olewine to approve the variance for an 18.5 foot front setback variance for placement of a sign. The motion was seconded by Mr. Rae and unanimously approved.

MOTION: Motion was made by Mr. Rae to approve the variance for a 19 foot front setback variance for placement of a sign. The motion was seconded by Mr. Tuer and unanimously approved.

CASE # 1362 – REQUEST OF CLAYTON SIGNS, INC., 5198 NORTH LAKE DRIVE, LAKE CITY, GEORGIA FOR A VARIANCE TO PERMIT TWO (2) ADDITIONAL WALL SIGNS FOR PLACEMENT ON A BUILDING. THIS ACTION CONCERNS PROPERTY LOCATED AT 1100 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 986, ZONED C-2

Mr. Ben Holliday of Clayton Signs and Mr. Joseph Ucciferro of Bohler Engineering were sworn in to represent Chick-Fil-A. Mr. Holliday provided the Board with additional handouts. Mr. Holliday stated that the restaurant will be located on a lot which, in essence, has three frontages – Pulaski Highway, Baker’s Lane and one of the entrances to the Walmart parking area. These are three areas where vehicles will be driving past the restaurant. He noted that the signage requested in this variance are each 25.26 square feet. He noted that these signs are the smallest of the stock signs that Chick-Fil-A places. He mentioned that normally they would place a ‘tag line’ which they are choosing not to use at this location. Mr. Holliday indicated that the building will be architecturally pleasing in that it will be brick on all sides.

Ms. Foster asked where the main entrance to the restaurant would be located. Mr. Holliday stated that the entrance would be just as you turn off Baker’s Lane into the Walmart parking lot. He pointed out statistics show that 80% of customers are considered ‘spur of the moment’. They see the sign and then decide to eat at the restaurant rather than decide to eat at Chick-Fil-A and leave home to come there specifically and therefore they feel the number of signs they are requesting are necessary.

Mr. Holliday told of an accident which occurred in Atlanta upon removal of a recognized sign. A customer was trying to find a particular business and missed the sign. When he realized his error he slammed on the brakes and was hit from behind. Mr. Holliday stated that they feel visibility is one of the most important safety issues regarding signage.

Ms. Foster asked if they would be adding one of their signs to the existing Walmart sign. Mr. Holliday stated that they would not be placing any signage on that pole sign.

Mr. Ucciferro added that the Town allows one wall sign and one pole sign but they felt the three wall signs they are requested would be most beneficial to this particular location.

Ms. Foster asked if these signs are the standard for the majority of their franchises. Mr. Holliday stated that they were.

Mr. Rae asked Mr. Holliday to identify signs I and H. Mr. Holliday stated that those sign are menu boards and awning height.

Mr. Roudybush asked if the landscaping depicted in their presentation was accurate. Mr. Ucciferro stated that it is accurate. There was some discussion regarding how the height

of the trees would affect the look of the site. Mr. Ucciferro stated that the presentation shows the site with 20 year old trees and as long as they are maintained properly it should not affect the appearance of the site.

Ms. Foster entertained additional questions from the Board or any comment from the audience. There were none.

MOTION: Motion was made by Mr. Tuer to approve the variance to permit two (2) additional wall signs for placement on the Chick-Fil-A restaurant. The motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1363 – REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND FOR THE FOLLOWING: 1) A FIVE (5) FOOT FRONT SETBACK VARIANCE FOR PARCEL 437; 2) A FIVE (5) FOOT FRONT SETBACK VARIANCE FOR PARCEL 862. BOTH PARCELS ABUT SINGERLY AVENUE AND THE REQUEST IS TO ALLOW A PEDESTRIAN BRIDGE TO BE BUILT OVER THE REQUIRED SETBACK LINE. THIS ACTION CONCERNS PROPERTIES LOCATED ON SINGERLY AVENUE, MAP 310, PARCELS 437 AND 862, ZONED C-1

Mr. David Gipson, Chief Operating Office of Union Hospital and Mr. David Strouss of McCrone, Inc. were sworn in and introduced to the Board. Mr. Gipson greeted the Board and stated that this pedestrian bridge is the final detail on the proposed Medical Office Building located at the corner of Singerly Avenue and High Street. He added that they would still need to go before the Mayor & Commissioners for approval to place the pedestrian bridge over the street which is owned by the Town of Elkton.

Mr. Gipson stated that the pedestrian bridge will be to provide quick and easy access for physicians located in the proposed Medical Office Building.

Mr. Strouss continued that each side of the proposed building has a minor 5' front setback on both Singerly Avenue and High Street and although there are no structures within the setback the Building Official asked them to request a variance for the structure within the air space. He noted that this is the same kind of variance requested for the original pedestrian bridge with the existing Medical Office Building. Mr. Strouss stated that the bridge is 15' above the roadway which is the required distance for vehicular traffic below the bridge.

Ms. Foster asked if the pedestrian bridge would be the same as the existing bridge. Mr. Gipson stated that it is very similar but will have a similar look to the new building with significant glass.

Mr. Strauss revealed that the current overhead utilities would be placed under ground so as not to interfere with the bridge.

Ms. Foster entertained questions from the Board members. Mr. Rae asked if the demolition of the buildings currently on the property had begun. Mr. Gipson stated that they have secured the permits and are in the initial stages. Mr. Rae asked if the front of the building has changed. Mr. Gipson stated that they have made some changes which they feel work better.

Ms. Foster entertained questions or comment from the audience.

MOTION: Motion was made by Mr. Tuer to approve the five (5) foot front setback variance for Parcel 437 to allow a pedestrian bridge to be built over the required setback line. The motion was seconded by Mr. Olewine and unanimously approved.

MOTION: Motion was made by Mr. Tuer to approve the five (5) foot front setback variance for Parcel 862 to allow a pedestrian bridge to be built over the required setback line. The motion was seconded by Mr. Rae and unanimously approved.

OLD BUSINESS: There was none.

NEW BUSINESS: There was none.

There being no further items to discuss, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Brenda Humphreys