

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
MARCH 18, 2010  
MINUTES**

**Present:** Sharon Foster, Chair; Ronald Rae; Robert Olewine; Jared Roudybush; Mark Clark; J. Craig Trostle, Jr. Director, Building & Zoning; Brenda Sexton-Wilson, Esquire, Attorney; Brenda Humphreys, Building & Zoning Department

**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 January 21, 2010 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

**CASE # 1390 – REQUEST OF O'CONNELL ENGINEERING, INC., FOR A 22.1 FOOT FRONT SETBACK VARIANCE TO PLACE A SIGN, 103 EAST PULASKI HIGHWAY, TAX MAP 315, PARCEL 2407, ZONED C-2**

Mr. John O'Connell of O'Connell Engineering, Inc. was sworn in and introduced to the Board. He stated that sign being requested would be located at the right front corner of the building. The existing sign is 36' in height with two poles. He noted that the pole closest to Route 40 would be removed and the pole shortened in order that the proposed sign would be at a height of 25'. He pointed out that the proposed sign would be 2.1 feet closer to the front setback than the existing signage.

Mr. O'Connell stated that this sign would be in line with most signage along Route 40 with reference to distance from the shoulder of the road.

He noted that the existing sign would be cut down and a plate added to the top for placement of the proposed sign.

Ms. Foster inquired whether what was being shown on the plat submitted would be the only signage on the pole. Mr. O'Connell stated that she was correct. The additional sign would be used for 'specials' and other messages.

Mr. O'Connell mentioned that the Planning Commission did not have any issues with placement of the sign in the front bufferyard as long as it was not blocked by landscaped trees.

Mr. Clark stated that their justification for the location of the signage was that it is an existing sign and therefore does not need to meet the requirements of the front setback. Mr. O'Connell stated that he was correct.

It was suggested by Mr. Clark and Mr. Rae that the sign and base be reviewed by an engineer in order to confirm that the post will be structurally sound for the proposed sign.

Mr. Clark asked Mr. O'Connell if he was a licensed architect in the State of Maryland. Mr. O'Connell answered in the affirmative.

Mr. Clark stated that he does not view the sign as being grandfathered but whether or not the Town of Elkton is aggrieved in any way due to the placement of the sign in the location being requested. Mr. Trostle confirmed that Mr. Clark's interpretation is correct.

Mr. Trostle stated that the existing sign was granted variances for the previous business. Once the business no longer exists and/or the sign has been removed they are no longer considered grandfathered.

Ms. Foster asked how this sign compares to the existing McDonald's sign location. Mr. O'Connell stated that this sign will actually be back further and will not interfere with visibility for that sign. He also stated that the closest sign to Route 40 is the sign for Big Elk Mall.

Mr. Roudybush inquired whether they would have the base for the sign checked out. Mr. O'Connell stated that a 5" x 5" base is normally sufficient for a single base pole sign. This base is 7" x 7" since it was a double base and therefore should be more than sufficient.

Ms. Foster entertained questions from the audience. Mr. Brock Anderson, one of the owners of the 'Sonic' franchise, encouraged the Board to approve the variance. Mr. Alan McCarthy stated that he is the owner of the property and has no objections to the variance and noted that all of the signs along Route 40 are at approximately the same distance from the road.

**MOTION: Motion was made by Mr. Olewine to approve the 22.1 foot front setback variance for 103 East Pulaski Highway. The motion was seconded by Mr. Roudybush and unanimously approved.**

Ms. Foster called for any old or new business items. Mr. Trostle stated that there were no items.

There being no further business to discuss Ms. Foster adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Brenda Humphreys