

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
MAY 21, 2009
MINUTES**

Present: Sharon Foster, Chair; Ronald Rae; Robert Olewine; Jared Roudybush; Brenda Sexton-Wilson, Esquire, Attorney; Brenda Humphreys, Building & Zoning Department

Absent: Patrick Tuer

Steno: Carol Beresh

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

ACTION: Motion was made by Mr. Rae to approve the minutes of the February 19, 2009 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1367 – REQUEST OF MARILYN P. WALKER, SPECIAL EXCEPTION FOR HOME OCCUPATION, 308 SUBURBAN DRIVE, TAX MAP 312, PARCEL 2431, ZONED R-3

Ms. Marilyn Walker was sworn in and introduced to the Board. Ms. Foster established that Ms. Walker was renewing a special exception which she had received initially in 2004 to operate a beauty salon out of her home. Ms. Walker confirmed that she has had the beauty salon since 2004 except for approximately one year when she suspended it for family reasons.

Ms. Foster asked if she had received any complaints regarding the home occupation. Ms. Walker stated that she had never received complaints and Mr. Trostle confirmed that the Town had never received any complaints regarding the salon.

Ms. Foster asked if there were established hours for the salon. Ms. Walker told the Board that she works by appointment only and therefore only one or two cars would be at her home at any given time. She further explained that the majority of her clients are seen Monday through Friday and that she normally does not have appointments on Saturday or Sunday.

Mr. Rae confirmed that the previous special exception had been specifically for this use as long as the owner lived in the home. Ms. Walker stated that he was correct.

Ms. Walker added that she wished to request that the special exception be extended indefinitely for as long as she occupies the residence.

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

MOTION: Motion was made by Mr. Olewine to approve the special exception as long as the applicant occupies the residence. The motion was seconded by Mr. Rae and unanimously approved.

Old Business

Mr. Trostle informed the Board that, upon advice from the Town's attorney, he approved the opening of the Mary Randall Center and issued the Certificate of Occupancy. The Federal judge determined that the center was considered a church due to the fact that all the activities conducted there are considered church activities. He added that there will still be a hearing in early July in the judge's chambers. He noted that he attended a meeting addressing the possible monies awarded and the amount of damages being sought. The Board discussed the testimony given by Meeting Ground at the original meeting.

Mr. Trostle stated that an agreement between the Town and Meeting Ground will require the Town to provide the parking lot for the center.

New Business

Mr. Trostle informed the Board that the Ingerman Group would probably be appearing before them in July seeking a special exception and variance for a senior housing project to be built on High Street.

There being no further business to discuss Ms. Foster adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Brenda Humphreys