

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JUNE 17, 2010  
MINUTES**

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

**Absent:** None

Ms. Foster called the meeting to order at 7:05 p.m.

**ACTION:** Motion was made by Mr. Rae to approve the minutes of the May 20, 2010 meeting. Motion was seconded by Mr. Clark and unanimously approved.

**CASE # 1395 – REQUEST OF MICHELLE AYD, 17 JESSE BOYD CIRCLE, ELKTON, MARYLAND FOR A 12’ REAR YARD SETBACK VARIANCE TO CONSTRUCT A DECK. THIS ACTION CONCERNS PROPERTY LOCATED AT 17 JESSE BOYD CIRCLE, ELKTON, MARYLAND, TAX MAP 306, PARCEL 2435, ZONED R-3**

Ms. Michelle Ayd was sworn in and introduced to the Board. She stated that she wishes to extend the existing deck in order to accommodate her father’s wheelchair. She stated that her father is unable to walk and the addition to the deck will make room for the wheelchair as well as furniture. She is requesting to place an 18’ x 15’ deck.

Ms. Foster asked if the deck addition will all be on the same level as the existing deck. Ms. Ayd stated that it would. Ms. Foster wondered if there would continue to be only one set of steps. Ms. Ayd stated that that there would.

Ms. Ayd presented a letter from the hospice organization providing care to her father stating the her father’s condition.

Mr. Clark asked Mr. Trostle if the existing deck is conforming. Mr. Trostle stated that it was.

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

**MOTION:** Motion was made by Mr. Rae to approve the 12’ rear setback variance for the deck at 17 Jesse Boyd Circle provided that the deck is constructed within one year of the date of the legal opinion. Motion was seconded by Mr. Clark and unanimously approved.

**CASE # 1396 – REQUEST OF MARC SCHEINER, 360 E. PULASKI HIGHWAY, ELKTON, MARYLAND FOR A VARIANCE TO EXCEED THE TOTAL ALLOWABLE SQUARE FOOTAGE FOR SIGNAGE BY EIGHTY (80) SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 360 E. PULASKI HIGHWAY, TAX MAP 315, PARCEL 2384, ZONED C-2**

Dr. Marc Scheiner was sworn in and introduced to the Board. Ms. Foster inquired whether the design of the sign was the only change. Dr. Scheiner stated that she was correct. She asked what was his reasoning for the change. He stated that his intention was never to use the rendering as the actual sign but simply as a rough draft only. His main purpose for the original variance was for the square footage request.

He asked that the sign be approved for the square footage only and allowance for the words on the sign, which will be permanent but may change from the wording submitted. Ms. Foster asked if the sign would be at the same location and height as the previous submittal. Dr. Scheiner stated that it would.

There was discussion regarding whether there would be any landscaping at the base of the sign.

**MOTION: Motion was made by Mr. Olewine to approve the sign with the condition that landscaping is provided at the base to hide the sign poles. There was no second to the motion. Mr. Olewine withdrew the motion.**

**MOTION: Motion was made by Mr. Clark to approve the sign generally as submitted with the height and square footage. The motion was seconded by Mr. Rae and unanimously approved.**

**CASE # 1397 – REQUEST OF NANCY M. DOMINELLI, 237 EAST MAIN STREET, ELKTON, MARYLAND TO PERMIT A SIX (6) FOOT FENCE IN THE SIDE YARDS AND EXTENDING INTO THE FRONT YARD ON ONE SIDE. THIS ACTION CONCERNS PROPERTY LOCATED AT 237 EAST MAIN STREET, ELKTON, MARYLAND, TAX MAP 311, PARCEL 1020, ZONED R-2**

Ms. Nancy Dominelli was sworn in and introduced to the Board. She stated that she wished to extend the height of a fence in her yard. She applied to the Town and received a permit. It was determined that a misunderstanding had occurred due to the drawing that was submitted. She stated that she wished to place the fence for safety and security reasons. She added that she believes that the location of her home, at the end of Delaware Avenue, leads people to believe that her yard is a thoroughfare and she often has people walking through her yard. She has lived at the property for approximately 7 years and had a four foot fence that people jumped over to cut through her yard. There were times when people cutting through her yard stop to peer into her windows and it is very disconcerting. Her grandchildren will be spending time at her house this summer and she would feel much safer with the 6' fence in place. She has seen a difference since the placement of the fence and is requesting that the fence be allowed to remain at the new height.

She noted that she has called the police on numerous occasions. She stated that she has a security system in her home but since the fence has been placed she feels safer.

Ms. Foster asked if she had a gate or enclosure with the four foot fence. She stated that she had a chain by the front sidewalk so that people would not drive up her driveway and people would still step jump over the fence between the apartment complex and her home to cut through her yard.

Ms. Foster asked if her home is currently for sale. Ms. Dominelli stated that it is for sale but that it has been for a while. She said that the fence was not placed to enhance her property value but specifically for safety.

Ms. Foster asked if her entire rear yard was surrounded by six foot fence. Ms. Dominelli stated that there is a four foot fence between her house and the neighboring property on the other side. She added that her yard has flood lights which light up her entire yard.

Ms. Foster inquired whether she has walking traffic when the gate is open. She stated that she did one time. Ms. Foster asked if there was walking traffic prior to the gate placement when the fence was existing. Ms. Dominelli stated that she did have walking traffic at that time.

Mr. Trostle stated that the permit was issued by his department and was placed exactly as she had requested. The height of the fence was an oversight by his department.

Mr. Olewine stated that his only concern was that the drawing shows that the fence comes to the front of the house and the new fence is placed at the front of the porch. Ms. Dominelli stated that she simply replaced the existing four foot fence with a six foot fence and made no additions to the length of the fence. There was discussion regarding the placement of the fence and the drawing.

Mr. Rae asked if the neighbors have any issues with the six foot fence. Ms. Dominelli stated that the neighbors were pleased with the new fence. There was discussion regarding the fact that one of the tenants in the apartment complex was part of the problem but has since moved and the tenants on the first floor were pleased with the fence as well as the neighbor on the opposite side of her property.

Mr. Olewine asked if she would object to bringing the fence back even with the front of the house. She stated that it would be possible but would not be her preference.

Mr. Trostle clarified where they wished the fence to be moved. They are requesting that the fence be moved back to the front corner of the house.

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

**MOTION: Motion was made by Mr. Clark to approve the fence as it currently exists. There was no second to the motion. Motion failed.**

**MOTION: Motion was made by Mr. Olewine to approve the six foot fence provided it does not go beyond the front corner of the house on the left side. The motion was seconded by Mr. Rae. After some discussion Mr. Rae withdrew his second to the motion. Motion failed.**

**MOTION: Motion was made by Mr. Clark to approve the fence as built. There was no second to the motion. Motion failed.**

**MOTION: Motion was made by Mr. Olewine to approve the fence provided the six foot height does not go beyond the front corner of the house on the left side. The motion was**

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**seconded by Mr. Roudybush with the remaining members voting as follows: Mr. Rae – Aye; Ms. Foster – Aye; Mr. Clark – Nay.**

**OLD BUSINESS:** Mr. Trostle reminded the Board that the training through the Maryland Department of Planning needed to be completed by July 1, 2010.

**NEW BUSINESS:** None

There were no additional items for discussion and Ms. Foster adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Brenda Humphreys