

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JUNE 18, 2009  
MINUTES**

**Present:** Sharon Foster, Chair; Ronald Rae; Robert Olewine; Dawn Baylis; Brenda Sexton-Wilson, Esquire, Attorney

**Absent:** Jared Roudybush; 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 May 21, 2009 meeting. Motion was seconded by Mr. Olewine and unanimously approved.

**CASE # 1369 – REQUEST OF MARC SCHEINER, 360 E. PULASKI HIGHWAY 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. He stated that when they initially moved into the building on Route 40 the practice was solely plastic surgery but has expanded to medical grade skin care/treatments. He stated that the difference between these types of services is the way the patients are referred. Plastic surgery patients are referred by other physicians whereas skin care/treatment patients are referred by other patients and by advertisement. He stated that the current sign allows for two 22 square foot signs and therefore the reason for his variance.

Dr. Scheiner stated that in order to compete with other physicians and treatment centers he would need additional signage. He is proposing a 4' x 10' double sided sign standing at a height of 18 feet.

Ms. Foster inquired about the unoccupied area on the main sign. Dr. Scheiner stated that it is to be used for a future tenant. He stated that the proposed sign would be located so that it would not interfere with the visibility of the existing sign. Ms. Foster asked if the location was in front of the first two parking spaces. Dr. Scheiner stated that she was correct.

Ms. Foster asked if the proposed sign would encompass his entire practice. Dr. Scheiner stated that the sign does encompass his entire practice.

Ms. Baylis questioned whether a precedent would be set in approving this sign and other practices in the building might want to have a separate sign as well. Ms. Foster stated that restrictions may be placed on the number of signs allowed.

Mr. Olewine noted that a variance was granted when the original sign was proposed in order for there to be sufficient visibility for the office proposed. Dr. Scheiner stated that Mr. Olewine was

correct. Mr. Olewine stated that he also had concerns about granting the variance due to other practices wishing to place signage specific to their businesses as well.

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

**MOTION: Motion was made by Mr. Rae to approve the variance to exceed the total allowable square footage for signage by eighty (80) square feet providing the base is not constructed of concrete block. There was no second to the motion. Motion failed.**

**MOTION: Motion was made by Mr. Olewine to approve the proposed sign providing it is constructed according to the original sign design and that no additional signage will be allowed for the property. The motion was seconded by Ms. Baylis with the remaining members voting as follows: Mr. Rae – No; Ms. Foster – Yes**

**CASE # 1370 – REQUEST OF JEFF & CINDY ROGERS, 121 MAPLE AVENUE, FOR A 10’ REAR SETBACK VARIANCE TO CONSTRUCT A DECK. THIS ACTION CONCERNS PROPERTY LOCATED AT 121 MAPLE AVENUE, TAX MAP 311, PARCEL 782, ZONED R-2**

Mr. Rogers was sworn in and introduced to the Board. Mr. Rogers provided the Board with photographs which pointed out the area of limitation if he was only allowed to place a deck within the restrictions of the required Zoning Ordinance setbacks. He stated that when they designed the house, built as a spec house, they were given the option of building a deck during the original construction but they opted not to build at that time until they felt they were ready for the deck.

Mr. Rogers stated that some of the reasons for the size of the proposed deck (474 square feet) were that the south side of the house receives little sunlight for most of the day. He also mentioned that the original landscaping was designed with this deck in mind. He stated that they plan to do a walkway around the left side of the house that will come to the fence gate. It will be a raised walkway with a retaining wall that will be able to be entered from the front yard.

Ms. Foster asked if the fence was on the property line. Mr. Rogers stated that the fence was not on the property line. He noted that the other photograph shows the cypress trees at the edge of his property and the fence is currently 20 feet from the property line.

Mr. Rogers stated that there will be a set of steps from the deck into the rear yard. Ms. Foster asked the height of the deck. Mr. Rogers stated that it will be approximately three (3) feet off the ground.

Mr. Olewine asked the distance between the property line and the corner of the deck. Mr. Rogers stated that it will be approximately 25-30 feet. Mr. Olewine asked if there would be steps to the existing gate. Mr. Rogers stated that they will place a 2’ retaining wall in that area and a walkway to the front of the house. Mr. Olewine asked if there would be a railing around the deck. Mr. Rogers stated that other than where the deck meets the existing fence there will be railing around the deck.

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Ms. Foster stated that the deck will be even with the bottom of the existing fence. Mr. Rogers stated that she was correct.

Mr. Trostle asked the height of the existing fence. Mr. Roger stated that from the top to the bottom rail it is 4' in height. Mr. Trostle asked if there was an alley on the west side of the back yard. Mr. Rogers stated that he was correct.

Mr. Olewine asked if the existing fence would meet the requirements of a deck railing. Mr. Rogers stated that his understanding was that it would meet the requirements.

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

**MOTION: Motion was made by Mr. Olewine to approve the 10' rear setback variance for a deck provided the deck is completed within one year of the date of the opinion. The motion was seconded by Ms. Baylis and unanimously approved.**

**Old Business** - None

**New Business** - None

There being no further business to discuss Ms. Foster adjourned the meeting.

Respectfully submitted,

Brenda Humphreys