

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JUNE 19, 2008
MINUTES**

Present: Sharon Foster, Chair; Robert Olewine; Cindy Fetterolf; Donald Williams, Leonard E. Wilson, Esquire, Attorney; J. Craig Trostle, Jr., Zoning Administrator

Absent: Ronald Rae; Cheryl Gee

Steno: Carol Beresh

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

ACTION: Motion was made by Ms. Fetterolf to approve the minutes of the May 22, 2008 meeting. Motion was seconded by Mr. Williams and unanimously approved.

CASE # 1350 – REQUEST OF TUPP SIGNS, INC. 457 E. NEW CHURCHMAN’S ROAD, NEW CASTLE, DE FOR A 15’ FRONT SETBACK VARIANCE. APPLICANT PROPOSES TO INSTALL A POLE SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 913 BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 306, PARCEL 2137, ZONED B-I

Mr. Doug Goldberg of Tupp Signs was sworn in and introduced to the Board. He stated that APM Pest Management came to him for a sign in order to get better exposure along Route 213. He said that the property is difficult to see due to neighboring wooded lots. Upon meeting at the property he noted that there was a grassy area toward the front property line and beyond that is the driveway for the business and the structure. If it is mandatory to place any signage at the required front foot setback it would be almost impossible to see the business until you are almost immediately in front of the property.

He added that they are proposing to place the sign in the grassy area, behind the power lines, which is approximately 15’ off the right of way. Although this is still not a perfect fit, short of removing the trees, they believe this is the best area of exposure. He stated that they felt this location would be in keeping with the Town regulations and also with the surrounding businesses, such as City Pharmacy, Extreme Gas Station and Vlamis Liquors. He noted that these business signs are closer to the road than what they are proposing.

Ms. Foster asked if the sign is lighted. Mr. Goldberg stated that it was lighted. Ms. Foster asked if there was any other signage at this location. Mr. Goldberg stated that there is a banner at the location currently but it is temporary.

Ms. Foster inquired whether there would be any other business located on the property. Mr. Goldberg stated that APM makes use of both the structures on the property and they would maintain residency in the buildings at this location.

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

MOTION: Motion was made by Mr. Williams to approve the 15' front setback variance for placement of a pole sign at 913 Bridge Street as requested. The motion was seconded by Ms. Fetterolf and unanimously approved.

CASE # 1351 – REQUEST OF HBP, LLC, 65 GINA COURT, ELKTON, MARYLAND FOR A VARIANCE TO HAVE A SIGN LARGER THAN TWO (2) SQUARE FEET IN THE R-O ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 123 SINGERLY AVENUE, ELKTON, MARYLAND, TAX MAP 310, PARCELS 1345 & 831, ZONED R-O

Ms. Cindy Fetterolf requested to be recused from this case.

Mr. John Fellows of McCrone, Inc. and Dr. Jay Patel were sworn in and introduced to the Board. Mr. Fellows stated that they are here to request a variance from Article XVI, Section 20.1 to permit a wall mounted lighted sign in the R-O zoning district which exceeds two (2) square feet in size. He stated that Dr. Patel has been practicing medicine in this area for many years and his patients are familiar with his office location by the address. He noted that due to that fact Dr. Patel wishes for the building to have that name and therefore the sign will serve two purposes.

Mr. Fellows stated that the proposed sign (7'10" long by 8" high) is 5.2 square feet and will be located on the northeast corner of the building which faces High Street. He said that the sign will be visible from the High Street and Singerly Avenue intersection. He noted that the primary use of that intersection is commercial or office.

He said that the sign will be subtle with the brushed aluminum. He mentioned that many of Dr. Patel's patients are elderly and therefore that is why they are requesting that the sign be lighted so that it is easily identifiable at night. They are proposing small L.E.D lights which bounce a small amount of light behind the letters, backlighting the sign. There will not be a visible light source, such as ground or flood lights, etc.

Mr. Fellows reviewed the conditions of the variance request as called out in the Town Zoning Ordinance. He stated that they believe this location in the R-O zone, adjacent to the expanding Union Hospital, creates a special condition which is unique to the property and that the strict enforcement of the provisions of the Ordinance would result in an unwarranted hardship which is not generally shared by other owners in the similar district. The hardship was not a result of any action by the applicant and granting of the

variance request will not confer upon the applicant any special privileges that would be denied to other owners in the same district. The application for the variance is not based on greater profitability but more on greater visibility for the sign and for Dr. Patel's patients. The variance for this sign is consistent with the Town of Elkton Comprehensive Plan and the variance will neither result in the extension nor authorize the initiation of any non-conforming issues or situations.

Ms. Foster asked if any other signage or numbers would be placed on the building. Mr. Fellows responded that they have gone before the Historic and Architectural Review Board and received approval from that Board for the sign which they are proposing. They discussed the fact that with the sign at the front of the building and the parking for the building at the rear there may be a need to have a sign which states 'Parking in Rear'. Ms. Foster asked where that sign might be placed. Mr. Fellows stated that the location has not been determined but that wherever it may be placed it will not exceed the allowed 2 square feet. He asked the Board if they had a preference to the location. Ms. Foster stated that she was only inquiring if any additional signage would be placed. Discussion at the HARC meeting regarded placement of a sign in case the patients were unsure where to park. Mr. Fellows added that the HARC committee had granted them an additional sign for future use that, if necessary, would address the parking. Ms. Foster asked if the office would be open in the evening. Dr. Patel stated that the office could be open as late as 6-7 p.m.

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

MOTION: Motion was made by Mr. Williams to approve the additional square footage as requested and allowing for illumination of the sign. The motion was seconded by Mr. Olewine and unanimously approved.

BANGUS BUSINESS SERVICES – MR. SHUJAAT CHOWDHURY, U-HAUL BUSINESS – 203 E. PULASKI HIGHWAY, VIOLATION OF SPECIAL EXCEPTION REQUIREMENTS

No representative appeared to represent this case.

Mr. Trostle reported on numerous visits that had been made to the site and the location of trucks and trailers at the time of the inspection. He stated that a letter was sent to the business owner advising him of the current violations of the special exception approved on February 21, 2008. The letter stated that his presence was required at the meeting to discuss the repeal of the granted special exception. Mr. Trostle stated that within five to seven days of the letter being mailed, the violations had been corrected.

There was discussion between the Board and Mr. Wilson regarding the legal standing of the Town in this matter. It was determined that an additional letter would be forwarded to

Mr. Chowdhury regarding the fact that he did not appear at the meeting and that any future non-compliance would force the Board of Zoning Appeals to revoke the special exception approved at the February 21, 2008 meeting.

Mr. Trostle informed the Board that he would send the letter to Mr. Chowdhury with their findings the following day.

OLD BUSINESS.

Mr. Williams asked for a status report regarding the Meeting Ground case. Mr. Trostle stated that he had received no information regarding that case but that the appeal time was thirty days from the date of the signed opinion which was June 13, 2008.

NEW BUSINESS – None

There being no further discussion, the meeting was adjourned by Ms. Foster at 7:52 p.m.

Respectfully submitted,

Brenda Humphreys