

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JULY 17, 2008  
MINUTES**

**Present:** Sharon Foster, Chair; Ronald Rae; Robert Olewine; Cindy Fetterolf;  
Donald Williams, Brenda A. Sexton, Esquire, Attorney; J. Craig Trostle,  
Jr., Zoning Administrator

**Absent:** None

**Steno:** Carol Beresh

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

**ACTION:** Motion was made by Mr. Williams to approve the minutes of the June 19, 2008 meeting. Motion was seconded by Mr. Olewine and unanimously approved.

**CASE # 1352 – REQUEST OF TUPP SIGNS, INC. 457 E. NEW CHURCHMAN’S ROAD, NEW CASTLE, DE FOR A VARIANCE TO INSTALL TWO (2) ADDITIONAL WALL SIGNS. THIS ACTION CONCERNS PROPERTY LOCATED AT 801 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2327, ZONED C-2**

Mr. Lester Bauguess and Ms. Kim Bauguess were introduced to the Board. They stated that their business, Ashley Furniture, was being placed in Village at Elkton and informed the Board that they were not aware that they needed a variance in order to place more than one (1) wall sign. They stated that they had the signs removed until the variance was heard. They were referred to the sign company because they had placed signage at the shopping center previously and felt they would be aware of the requirements. Ms. Bauguess stated that their corporate office is very strict concerning the signage and they would have preferred the signs being placed sooner than they were. They were informed by a Town Building inspector that the signs needed to be removed due to the fact that a variance was needed.

The signage on their trucks was noted and Ms. Bauguess stated that they park the trucks in the front parking lot because one of their trucks was spray painted when they parked it at the rear of the store.

The Bauguess’ stated that they are a ‘licensee’ of Ashley Furniture and their contract states that they will place signage according to the owner’s requirements. It was mentioned that Tupp Signs stated that there was a misunderstanding concerning the sign placement.

Ms. Foster asked if there would be any repercussions from Ashley Furniture if they did not receive approval for the additional signage. Mr. Bauguess stated that he does not know what, if any, repercussions there would be.

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

**MOTION:** Motion was made by Ms. Fetterolf to approve the additional wall signage for Ashley Furniture at Village at Elkton. The motion was seconded by Mr. Williams and unanimously approved.

**CASE # 1353 – REQUEST OF CARLA DEROSIER, 222 S. BRIDGE STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT PLACEMENT OF ONE (1) STORAGE TRAILER TO THE REAR OF THE PREMISES. THIS ACTION CONCERNS PROPERTY LOCATED AT 222 S. BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 314, PARCELS 2205, ZONED C-2**

No representative attended the Planning Commission meeting and therefore the case is considered withdrawn.

**CASE # 1354 – REQUEST OF JAMES MARK, P.O. BOX 63, NEW LONDON, PENNSYLVANIA FOR THE FOLLOWING: 1) A TWO (2) YEAR EXTENSION FOR THE SPECIAL EXCEPTION TO PLACE MINI-WAREHOUSES IN THE C-2 ZONE (OPINION # 1221). 2) A TWO (2) YEAR EXTENSION TO THE FOLLOWING VARIANCE REQUESTS:**

**A) ARTICLE XII, SECTION 32.2 TO PERMIT THE SALE OF MOVING AND STORAGE BOXES ASSOCIATED WITH ITEMS TO BE STORED IN THE MINI STORAGE UNITS; (OPINION # 1221)**

**B) ARTICLE XII, SECTION 32.4 TO PERMIT AN AISLE WIDTH OF 30'-1" FOR ONE-WAY ROUTES WITH ACCESS ON TWO SIDES (45' REQUIRED); (OPINION # 1221)**

**C) ARTICLE XII, SECTION 32.4 TO PERMIT AN AISLE WIDTH OF 40' FOR TWO-WAY ROUTES (45' REQUIRED); (OPINION # 1221)**

**D) ARTICLE XII, SECTION 32.5 A. TO PERMIT THE USE OF A FOREST RETENTION BUFFER FOR SCREENING FOR THE ADJACENT RESIDENTIAL-ZONED PROPERTY TO THE EAST (6' HIGH OPAQUE FENCE REQUIRED); (OPINION # 1221)**

**E) ARTICLE XII, SECTION 32.5.B. TO PERMIT A PORTION OF THE STORM WATER MANAGEMENT POND TO BE CONSTRUCTED WITHIN THE 50' NATURAL UNDISTURBED BUFFER; (OPINION # 1221)**

**F) ARTICLE XII, SECTION 32.5.B TO PERMIT THE USE OF A BUILDING FAÇADE AND ORNAMENTAL ALUMINUM/STEEL FENCING ALONG THE SOUTH PROPERTY LINE DUE TO A RESIDENTIAL USE IN A COMMERCIAL ZONE (6' HIGH OPAQUE FENCE REQUIRED); (OPINION # 1221)**

**G) ARTICLE XII, SECTION 32.5.B. TO PERMIT THE USE OF BUILDING FAÇADE AND ORNAMENTAL ALUMINUM/STEEL FENCING ALONG THE WEST PROPERTY LINE DUE TO RESIDENTIAL ZONED PROEPRTY ON THE WEST SIDE OF ROUTE 213, OPPOSITE THE SUBJECT SITE (6' HIGH OPAQUE FENCE REQUIRED); (OPINION # 1221)**

**H) ARTICLE XII, SECTION 32.6.A TO PERMIT THE USE OF A BUILDING FAÇADE AND ORNAMENTAL ALUMINUM/STEEL FENCING ALONG THE SOUTH PROPERTY LINE, INTERIOR TO A 10' LANDSCAPE STRIP DUE TO ADJACENT**

**PROPERTY BEING ZONED FOR OTHER THAN RESIDENTIAL/DWELLING PURPOSE (6' HIGH OPAQUE FENCE REQUIRED); (OPINION # 1221)**

**I) ARTICLE XII, SECTION 32.1 TO PERMIT STALL HEIGHTS GREATER THAN 10' DUE TO THE PITCH OF THE ROOFS OVER THE BUILDINGS. INTERIOR STALL HEIGHTS TO RANGE FROM 10' IN FRONT TO 16'± IN REAR. STALL DOORS TO BE 9' HIGH (MAX. 10' ALLOWED); (OPINION # 1228)**

**J) ARTICLE XII, SECTION 32.1 TO PERMIT LESS THAN 75% OF THE TOTAL ON SITE STORAGE SPACE TO BE CONTAINED IN INDIVIDUAL ENCLOSED STALLS NO GREATER THAN 10 FEET HIGH. PROPOSED "BUILDING A" TO BE A FULL TWO STORY BUILDING TO ENCOMPASS A 10,800 S.F. FOOTPRINT LEAVING 69% OF THE TOTAL ON SITE STORAGE CONTAINED IN SINGLE STORY BUILDINGS. (OPINION # 1278)**

**THIS ACTION CONCERNS PROPERTY LOCATED AT 408 AUGUSTINE HERMAN HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCELS 2396, ZONED C-2**

**Ms. Foster stated that Ms. Fetterolf wished to be recused from this case.**

Mr. John Gonzalez of McCrone, Inc. was introduced to the Board. Ms. Foster confirmed with Mr. Gonzalez that all the variances being requested are identical to the variances approved in 2005 & 2006. Mr. Gonzalez confirmed that she was correct.

Mr. Gonzalez stated that his client has not been able to obtain the building permits for the property. In the process of working on the plans there were changes in the Fire Code which needed to be taken into consideration. The current economy was also part of the reason for not moving forward with the project. The owner has had the property for sale but has not sold it as of this date.

Ms. Foster asked if the extension was granted would the owner continue to try to sell the property. Mr. Gonzalez stated that the property would continue to be offered for sale. She asked if he would be able to complete his project if he started construction within a year of the extension. Mr. Gonzalez stated that he felt it would be tight to complete the project within one year. Ms. Foster asked what the timeframe for construction might be. Mr. Gonzalez stated that he would guess six to eight months. Mr. Williams asked if a two year timeframe was adequate. Mr. Gonzalez stated that he was unable to answer that question. Ms. Foster asked if Mr. Mark owned other mini storage facilities. Mr. Gonzalez stated that he does but that he believes this would be the first one in Cecil County. (Mr. Olewine stated that he had asked that question previously and that he was told two years would be adequate.)

Mr. Gonzalez noted that Mr. Mark has been working on the plans for the storage units and has received sediment & erosion control plan approval. There have been inquiries regarding the property but no offers have been received.

Ms. Foster entertained questions or comment from either the Board or the audience.

Mr. Terrence A. Dear, 9 Irwin Avenue, Elkton, Maryland was sworn in and introduced to the Board. He stated that he has lived in the area of this project for approximately 30 years and many projects have been proposed for the area. He stated that the area on the other side of Route 213 is in the Critical Area and includes Indian wells and pre-Indian artifacts. He urged the Board to

consider the idea of conservancy of the border to Maryland and Pennsylvania. He stated that he sits on a Planning Commission in Pennsylvania and they have a very active conservancy. Over the 30 years that he has attended meetings he has never heard any talk regarding conservancy. The properties are not only in the Critical Area but have a great deal of surface water problems. He stated that if the Town does not take conservancy into consideration then they can write off this part of Cecil County. He said that he would be glad to provide information regarding conservancy to the Board. He stated that he has no exception to this particular project. There were no other comments concerning this project.

**MOTION: Motion was made by Mr. Rae to approve a one (1) year extension for Mark Development Storage. The motion was seconded by Mr. Olewine with the remaining votes as follows: Mr. Williams – Nay. The votes were split and therefore the motion failed.**

**MOTION: Motion was made by Mr. Williams to approve a six (6) month extension for the special exception and variances for Mark Development Storage. There was no second to the motion therefore the motion failed.**

**MOTION: Motion was made by Mr. Olewine to approve a fourteen (14) month extension for the special exception and variances for Mark Development Storage. The motion was seconded by Mr. Williams and unanimously approved.**

**CASE # 1355 – REQUEST OF PAUL A. GRANGER, SR., 101 PENINSULA DRIVE, NORTH EAST, MD FOR A SPECIAL EXCEPTION TO PERMIT AUTO SALES WITHIN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT TAX MAP 316, PARCEL 2333, ZONED C-2**

Mr. William Heath of Heath Agency and Mr. Paul A. Granger, Sr., Owner & Developer were sworn in and introduced to the Board. Mr. Heath stated that they were before the Board to request a special exception in order to sell cars in the C-2 zone as called out in the Town Zoning Ordinance. He stated that the shopping center is an 80's era shopping center and they are in the process of providing a 'facelift'.

Ms. Foster asked what businesses are currently at the shopping center. Mr. Heath stated that currently RC Automotive, a boat repair business, motorcycle repair business, audio installation & sales business and a business which calls itself an acupuncture business. There was continued discussion regarding the acupuncture business.

Mr. Heath stated that the business run by Mr. Granger is a specialty broker and is not in competition with other automotive dealerships. He stated that Mr. Granger would not be keeping a car lot but the licensing by the State requires that he have at least five (5) parking spaces.

Mr. Granger explained the premise of his business in which he is contracted to find a specific kind of car for a client and he then searches for the car, purchases it and delivers it to the client. He stated that most of his business would be for family since he has a large family with many automotive needs. There was discussion regarding the number of vehicles and the requirements of the State for this type of business.

Ms. Foster asked if a sign would be placed for the business. Mr. Granger stated that the sign would be low key and that he is not that interested in advertising since most of his business would be dealing with immediate family.

Mr. Rae wished to see where the business would be located within the existing building. Mr. Heath provided a copy of the floor plan to Mr. Rae.

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

**MOTION: Motion was made by Mr. Rae to approve the special exception for auto sales at 1183 Pulaski Highway for one (1) year and contingent upon only five (5) parking spaces being allowed for this particular use. The motion was seconded by Mr. Olewine and unanimously approved.**

**OLD BUSINESS – None**

**NEW BUSINESS – None**

There being no further discussion, the meeting was adjourned by Ms. Foster.

Respectfully submitted,

Brenda Humphreys