

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
SEPTEMBER 18, 2008
MINUTES**

Present: Ronald Rae; Robert Olewine; Patrick Tuer; Brenda A. Sexton, Esquire, Attorney; J. Craig Trostle, Jr., Zoning Administrator; Brenda Humphreys, Building & Zoning Department

Absent: Sharon Foster, Chair

Steno: Carol Beresh

Mr. Rae called the meeting to order at 7:00 p.m. He stated that due to the fact that only three (3) Board members were present, all members would have to vote in the affirmative in order for the request to be approved. He inquired whether any of the applicants wished to withdraw from the current meeting and be heard at the November meeting when additional members may be in attendance. None of the applicants wished to withdraw.

CASE # 1355 – REQUEST OF JAMES E. LOWE, 84 HOLLINGSWORTH MANOR, ELKTON, MD FOR A 12 FOOT FRONT SETBACK VARIANCE TO CONSTRUCT TWO (2) PORCHES. THIS ACTION CONCERNS PROPERTY LOCATED AT 85 AND 86 HOLLINGSWORTH MANOR, ELKTON, MARYLAND, TAX MAP 314, PARCEL 132, ZONED R-3

Mr. James Lowe was sworn in and introduced to the Board. Mr. Lowe requested that the Board consider approval of ‘decks’ which he wished to place on the front of his properties at 85 & 86 Hollingsworth Manor. Mr. Rae asked where these structures would be placed on the houses. Mr. Lowe stated that they would be placed on the street side of the houses.

Mr. Rae asked if there were separate entrances to the properties. Mr. Lowe stated that there was, however both units would share the handicap ramp.

Mr. Rae asked if the decks would be across the entire fronts of the houses. Mr. Lowe stated that each deck would be 8’ x 10’ and therefore would not cover the entire front of the houses.

Mr. Olewine asked if he intended to place decks at the rear of the properties as well. Mr. Lowe stated that he did intend to place decks but that a variance would not be required for the rear of the property due to the depth of the yards.

Mr. Rae entertained any additional questions from the Board. There were none. Mr. Rae entertained questions or comments from the audience. There were none.

MOTION: Motion was made by Mr. Olewine to approve the 12’ front setback variance for 85 and 86 Hollingsworth Manor contingent upon the construction being completed within one year of the date the legal opinion is signed. The motion was seconded by Mr. Tuer and unanimously approved.

CASE # 1356 – REQUEST OF DENALI CUSTOM HOMES, INC., 145 PIERCE ROAD, RISING SUN, MARYLAND FOR A TEN (10) FOOT FRONT SETBACK VARIANCE. PROPERTY OWNER PROPOSES TO CONSTRUCT A THREE-STORY OFFICE/APARTMENT BUILDING. THIS CONCERNS PROPERTY LOCATED AT 137 EAST MAIN STREET, ELKTON, MARYLAND, TAX MAP 311, PARCEL 1754, ZONED R-O

Mr. Samuel Charles, owner, Mr. David Dalby, architect, and Mr. David Grove, contractor were sworn in and introduced to the Board.

Mr. Craig Trostle addressed the Board and stated that this request was prompted by requirements of the International Building Code that required two separate means of egress for the proposed structure.

Mr. Dalby stated that they had appeared before the Historical and Architectural Review Committee and received permission to tear down the building which was located at 137 East Main Street. The committee also approved the design of the proposed building but the meeting was prior to the Building Department review which determined that the two means of egress would be required. They are therefore requesting the 10' front setback in order to accommodate a second stairway within the building.

Mr. Rae asked where the stairways would be located. Mr. Dalby stated that they are required to have one at the front of the building and one at the rear of the building.

Mr. Rae asked if the driveway was required. Mr. Dalby stated that the driveway was required as shown on the plan provided.

Mr. Rae entertained any additional questions from the Board. There were none. Mr. Rae entertained questions or comments from the audience. There were none.

MOTION: Motion was made by Mr. Olewine to approve the 10' front setback variance for 137 East Main Street contingent upon the construction being completed within one year of the date the legal opinion is signed. The motion was seconded by Mr. Tuer and unanimously approved.

CASE # 1357 – REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND FOR A VARIANCE TO RELAX 130 PARKING PLACES FOR A MINIMUM OF EIGHTEEN (18) MONTHS. THIS ACTION CONCERNS PROPERTY LOCATED AT 127, 129, 131, 133, 135, 137 & 141 W. HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 862, 863, 864, 904, 905 & 1371, ZONED C-1

Mr. David Gipson, Chief Operating Officer of Union Hospital and Mr. David Strouss of McCrone, Inc. were sworn in and introduced to the Board.

Mr. Gipson stated that this variance request is for their proposed 3-story, 42,000 square foot medical office building which would be located at the corner of Singerly Avenue and

High Street and adjacent to the existing medical office building. He noted that there is a need in the medical community for additional office space. Due to this deficit they are restricted as to the number of physicians which may be recruited especially in the areas of obstetrics and surgery.

Mr. Gipson stated that they are proposing to convert an existing staff lot to provide patient parking adjacent to the building. The parking requirement for the proposed building would be 160 parking spaces. It was their proposal to deal with thirty of those spaces through existing parking and reconfiguration of the lot and request for relief from the other 130 spaces.

He stated they explained at the prior meeting why they did not feel it was not necessary to provide additional parking. Since that time he feels they are better able to demonstrate the source of the excess. They have successfully completed the process to amend the Town Ordinance as it applies to hospitals which they feel was too restrictive compared to other ordinances. He noted that had this requirement been in place prior to the previous expansions there would be no reason to be before the Board today. He went on to say that they have provided the Board with plans in order to show where the 130 parking spaces would be provided if they are required in the future.

Mr. Gipson stated that if the variance is approved today it would be approximately one year before the building would be operational and they feel the variance of 18 months would provide everyone with enough time to determine whether there would be a need for additional parking.

Mr. Strauss gave an overview of the site plan showing the location of the proposed office building, the bridge accessing the existing medical office building, parking and access to the proposed building. He pointed out the areas where they are proposing to provide parking should the Board determine that it is necessary. He noted that the upper floors will overhang the first floor and provide shelter when dropping off patients.

Mr. Strauss pointed out the location of the lots where the additional parking spaces would be provided for the Board. He explained that a total of 165 parking spaces were calculated to be required for the new building. As they have an excess of 35 parking spaces on campus, according to the Town's calculations, they are showing the remaining 130 spaces and requesting the variance. He pointed out that they have provided a parking study showing monitoring of the existing hospital parking lots. This study shows that the average number of spaces available at peak hours between 10 a.m. and 2 p.m. is 436. The minimum number needed at any time is 312. Even with the 130 parking spaces being requested by variance they find that there will still be 150 empty spaces at all time on the campus. He stated that the hospital will continue to monitor the vacant parking.

Mr. Strauss noted that according to the Ordinance the Town does give flexibility in parking calculations. They are trying to demonstrate that the hospital campus exceeds the

number of parking spaces currently required. He informed the Board that the hospital has submitted plans showing the location of the additional parking being requested in order to comply with the Town's requirements.

Mr. Trostle asked Mr. Gipson if the need for parking spaces arises in the future what the time frame would be for construction of the required parking areas. Mr. Gipson stated that they intend to proceed with the approval process and that approximately 120 days would be required to provide the additional spaces.

Mr. Trostle summarized that his understanding of the variance request is that at the end of the requested time the hospital would appear before the Board to determine the status of parking at that time. Mr. Gipson stated that the hospital would either request permits to construct the parking areas or come back before the Board if they do not feel additional parking is required. Mr. Gipson stated that they are making preparations for either scenario to be accomplished in a reasonable amount of time depending upon the need. Mr. Gipson stated that the hospital would never choose to not provide a sufficient amount of parking for their employees, patients and visitors because that would be foolish business. They are trying to be reasonable and use a common sense approach to the parking requirements. The variance would give the Town the option of looking at this issue in a specific time frame.

Discussion continued regarding the timeframe for the construction of the building which Mr. Gipson felt would be at least a year.

Mr. Olewine asked what the hospital's intention would be if at the end of the 'time extension' there is still adequate parking. Mr. Gipson stated that if they continue to see an excess of 200 to 250 parking spaces then they would ask for full relief of the requirement for parking or would request an additional time variance.

Mr. Rae entertained questions from the Board and comment from the audience. There was none.

MOTION: Motion was made by Mr. Olewine to approve the variance to relax 130 parking spaces for a period of six months after occupancy is received for the proposed office building. The motion was seconded by Mr. Tuer and unanimously approved.

There being no further items to discuss, the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Brenda Humphreys