

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
OCTOBER 16, 2008  
MINUTES**

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

**Absent:** None

**Steno:** Carol Beresh

**CASE # 1359 – REQUEST OF VIVIAN SHERNELL HARRISON, 103 AUTOMOTIVE BOULEVARD, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT AN IN-HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 103 AUTOMOTIVE BOULEVARD, ELKTON, MARYLAND, TAX MAP 312, PARCEL 2431, ZONED R-3**

Ms. Vivian Shernell Harrison was sworn in and introduced to the Board. Ms. Foster asked Ms. Harrison about her business. Ms. Harrison stated that initially she would be creating little girl's clothing and possibly adult women in the future. She advised the Board that she has had a business previously but needed to renew her trader's license due to a mistake in the Baltimore Office. She stated that she had to go through the process again and therefore does not have her license as yet but that she does have her Tax ID number.

Ms. Foster asked how the clothing would be sold. Ms. Harrison stated that she does trade shows, fashion shows and online and would have no customers coming to her home. She confirmed that all of her distribution would be by mail.

Ms. Foster asked if she would be advertising her business in any way. Ms. Harrison stated that she would have no signage in her yard but possibly on her car at some point.

Mr. Rae expressed his concern about a possible fire incident. Ms. Harrison stated that her home has all the required fire equipment that was necessary when the home was built. She stated that she is currently using a small hand held sewing machine and has a small area in her basement where she stores material and works on her projects.

Ms. Foster entertained additional questions from the Board and the audience. There were none. Ms. Foster read the Planning Commission correspondence recommending approval of Ms. Harrison's special exception. (Copy attached)

**MOTION: Motion was made by Mr. Olewine to approve the special exception for an in-home occupation at 103 Automotive Boulevard. The motion was seconded by Mr. Tuer and unanimously approved.**

**CASE # 1358 – REQUEST OF DELREN, LP/FAIR HILL ENGINEERING, LLC (AGENT), 307 N. BRIDGE STREET, SUITE 214, ELKTON, MARYLAND FOR A VARIANCE TO EXCEED THE MAXIMUM LOT COVERAGE BY UP TO 16% FOR THE FOLLOWING: LOTS 2-6, 9-14, 17-22, 31-34, 37-40, 43-46, 49-50, AND 25-26 AS**

**SHOWN ON THE PRELIMINARY MAJOR SUBDIVISION PLAT FOR SUMMIT AT WALNUT HILL. THIS CONCERNS PROPERTY LOCATED ON THE EAST SIDE OF MARYLAND 213, ELKTON, MARYLAND, TAX MAP 306, PARCELS 2125, 2162 AND 2435, ZONED RO**

Mr. John Mascari of Fair Hill Engineering was sworn in and introduced to the Board. He informed the Board this project is part of the Walnut Hill Subdivision which has been in process for a number of years. This project is entitled Summit at Walnut Hill and encompasses parcels on both sides of Katie Lane. The developer wishes to build upscale townhouses with a nice appearance along Route 213 that they believe will attract 'empty nesters'. The prices will be higher due to the provided features which would make them comparable or higher than the cost of some single family dwellings.

Mr. Mascari stated that the townhomes will be 20' wide for interior units with 120' minimum depth with the end units having wider yards.

Ms. Foster asked the approximate square footage. Mr. Mascari stated that the units will be two story units of approximately 1400 square feet. Ms. Foster asked why they would place two story units for 'empty nesters'. Mr. Mascari stated that this project is not restricted to 'empty nesters' but that most of the 55+ communities he is familiar with are two story. Ms. Foster stated that she has seen 55+ communities in Middletown, DE which are all one story. Mr. Mascari stated that there are others in New Castle, DE geared toward active communities which are two stories. He stated that they may consider designing some of the units with living quarters on the first floor.

Mr. Mascari continued that original plans showed 51 townhouses with garages at the front and they have revised the plans to 49 townhouses with garages at the rear. The Planning Commission noted that because this project is visible from Route 213 they felt it would give a better appearance if the garages were at the rear, with a small front yard and the option of parallel parking. In order to address their suggestion two lots were removed and that representation was included in the packet. He pointed out the two office buildings which are part of this project situated in the RO zone.

Mr. Mascari stated that the proposed changes required additional paving in the interior lots exceeded the lot coverage requirement of 60% and therefore made the variance necessary. Mr. Mascari gave an overview of the proposed site plan changes regarding their variance request and pointed out the different areas of the proposed lots which included the 18' private lane, parking, garage and optional courtyard. He stated that the courtyard area would be the usable section of the rear yard and the developer would give options for use of that area.

Ms. Foster asked if the townhouses were three stories. Mr. Mascari stated that they are two story units with vaulted ceilings. He suggested that this type of townhouse is becoming more notable in different areas of the country. He went on to suggest that this subdivision design makes a more walkable community encouraging interaction with neighbors similar to the older parts of Elkton. He stated that one of the PC members noted that they felt there would be a market for those who wish less maintenance on their property. He noted that this project would be 8 units per acre with these changes and the Ordinance allows 10 units per acre.

Mr. Mascari stated that he computed the impervious area of the raw land and found that the total impervious surface figure was 60%. He feels that this shows their intent to stay within the requirements of the Ordinance. He noted that the developer feels that requesting the variance is due to a practical hardship taking into consideration the changes that were suggested by the Planning Commission.

Ms. Foster asked if it would be possible to make the units smaller and yet still design a unique townhouse under 1400 square feet. Mr. Mascari stated that under 1400 square feet would require lower prices and therefore would not be targeting the same individuals. He stated that without the developer present he could not say what he might be willing to consider. Ms. Foster asked if the intent was to provide a garage for each unit. He stated that the developer felt that the group they wish to target would prefer garages.

Ms. Foster asked if they have a general price range for the proposed townhouses. Mr. Mascari stated that he was unsure the targeted prices but that the developer mentioned that there would be other units in the area available with single family dwellings with a larger yard that would cost less than the proposed townhouses.

Ms. Foster entertained questions from the Board.

Mr. Rae asked if this is the last project for the Walnut Hill Subdivision. Mr. Mascari stated that it is the last as Overlook at Walnut Hill has been given preliminary approval.

Mr. Tuer asked where children of those who may purchase one of the townhouses would play since their intention is toward empty nesters. Mr. Mascari directed him to the neighborhood park, walking trails and tennis courts within the existing subdivision.

Mr. Olewine asked how much square footage would need to be reduced in the townhouses in order to meet the 60% standard. Mr. Mascari figured that a townhouse of 1100 square feet would meet the 60% standard. Mr. Mascari stated that that figure was without a garage.

Ms. Foster asked if they looked at anything between 65% and 81%, and questioned the likelihood of being able to place a deck if desirable. Mr. Mascari pointed out that there is a grassy area on most of the lots and options are available for that area. He stated that their intention is present the look of a large mansion home. There was some discussion regarding the number of units in each section. Mr. Mascari stated that there are 4, 6 or 8 units depending upon the section.

Ms. Foster entertained questions from the audience.

Ms. Vivian Shernell Harrison asked if the townhouses are smaller what would be removed within the home. Mr. Mascari stated that he did not feel that townhouses smaller than 1400 square feet, as proposed, would be feasible. He also noted that there are a number of different layouts that could be chosen for the townhouses. There were no additional questions for Mr. Mascari.

**MOTION: Motion was made by Mr. Rae to approve the Final Site Plan for Summit at Walnut Hill. There was no second to the motion, therefore motion failed.**

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**MOTION: Motion was made by Mr. Olewine to deny the Final Site Plan for Summit at Walnut Hill so as not to set a precedent for future development regarding lot coverage. The motion was seconded by Mr. Tuer with the remaining members voting as follows: Ms. Foster – Aye; Mr. Rae – Nay. The motion passed with a majority of the voting members.**

**OLD BUSINESS.** Mr. Trostle brought the Board up to date on the status of the Meeting Ground case. He stated that a settlement was proposed to take the injunction off the table and the Town refused the settlement. He mentioned that no court date had been set at this time for the original case.

**Vacant Board Seat** – Mr. Trostle mentioned that the Mayor has not made a decision regarding the vacant seat on the Board but that resumes may be requested from interested parties.

There was discussion regarding future development within Town limits.

**NEW BUSINESS:** There was none.

There being no further items to discuss, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Brenda Humphreys