

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
DECEMBER 20, 2012
MINUTES**

Present: Robert Olewine; Jared Roudybush; Shirley Hicks; Dawn Schwartz; Charles E. Cramer, Jr., J. Craig Trostle, Jr., Director, Building & Zoning; Jason L. Allison, Esquire, Attorney

Absent: None

Mr. Olewine called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Ms. Schwartz to approve the minutes of the October 18, 2012 meeting. Motion was seconded by Mr. Roudybush and unanimously approved.

CASE # 1441 – REQUEST OF BHINDER BHINDER AND SURJIT SINGH, 126 EAST HIGH STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO OPERATE A CONVENIENCE STORE. THIS ACTION CONCERNS PROPERTY LOCATED AT 126 EAST HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCEL 1202, ZONED C-1

Mr. Bhinder Bhinder, Mr. Surjit Singh and Ms. Linda Smith were in attendance to address this request. Mr. Olewine read the Planning Commission recommendation submitted regarding this case. Mr. Bhinder stated they are wishing to open a convenience store since there are none in this area and they feel it will be helpful to the residents of the Town. Mr. Olewine asked if they would be selling beer and wine along with the regular items found in a deli. Mr. Bhinder stated that they would not be selling beer or wine.

Mr. Olewine asked when they intended to open the store if approved. Mr. Bhinder stated that they would be opening the store as soon as possible.

Ms. Schwartz inquired whether they have any other businesses in Cecil County. Mr. Bhinder stated that they do not currently but previously they had convenience stores in Newark and Wilmington, Delaware and they also used to own the Fletchwood Market but sold it. Ms. Smith stated the store they are proposing would be similar to the one they had in Newark.

Ms. Schwartz asked if the property was zoned commercially. Mr. Trostle stated that it is commercially zoned. Ms. Schwartz voiced her concern about the condition of the Fletchwood Market and the fact that it was rundown and dirty. Mr. Bhinder stated that this was one of the reasons they sold the store. She asked if they felt a convenience store so close to the 7-Eleven will be profitable. Mr. Bhinder stated that they have not entered into a lease for the property as yet but feel this is a good location.

Ms. Hicks inquired why they sold their other stores. Mr. Bhinder advised the Board that the area was not a secure location, the area was dangerous and they did not feel safe. She asked how they intended to keep the property from becoming rundown. He stated that it depends upon the neighborhood surrounding the building and how the area is kept up. He noted that you cannot change people and those who live around the store make that decision. Ms. Smith added that there were differences in the locations of the two stores they owned in Newark and Elkton.

Mr. Roudybush asked if there were other tenants in the building. Mr. Trostle stated that Dr. Sachdev has had an office at this location for years. Ms. Smith stated they were told by Helen Boyer that there were no other leases in the building. Mr. Trostle stated that the doctor's office is at the right of the building on the side.

There was discussion regarding the reason for a special exception for this use and it was noted that it was mainly due to the congestion in the C-1 zone and compatibility with other uses in the area.

Questions arose regarding the road work being done on High Street near this location. Mr. Trostle stated the sidewalks are being repaired and they are placing ADA ramps and bump outs.

Mr. Trostle inquired about the proposed hours the store would be open. Mr. Bhinder said they would be open from 7:00 a.m. to 10:00 p.m. Mr. Trostle asked if Mr. Bhinder worked at the Oceanic on Route 40. Mr. Bhinder stated that he does not work there but that his brother does. He added that they are not affiliated with the owners of that store.

Mr. Roudybush asked if the Health Department would need to make inspections of the store prior to opening. Mr. Trostle stated that they would.

Mr. Olewine entertained additional questions or comments regarding this submittal. There were none.

MOTION: Motion was made by Mr. Cramer to approve the special exception for a convenience store at this location. The motion failed due to lack of a second.

MOTION: Motion was made by Ms. Schwartz to deny the special exception for a convenience store at this location. The motion failed due to lack of a second.

There were no other motions presented and therefore the special exception was denied due to lack of a second to either motion.

OLD BUSINESS: None

NEW BUSINESS: One case has been submitted for the January meeting.

Mr. Trostle mentioned that the Hurricane Grill & Wings Restaurant would be opening by the end of January.

There being no further items for discussion Mr. Olewine adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Brenda Humphreys