

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
MARCH 17, 2016
MINUTES**

Present: Robert Olewine; Shirley Hicks; Dawn Schwartz; Dave Mehelas; Heather Mahaffey; Lisa M. Blackson, Esq., Legal Counsel; Charles A. Bromwell, Director, Building & Zoning

Absent: None

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

ACTION: Motion was made by Ms. Hicks to approve the minutes from the December 17, 2015 meeting. The motion was seconded by Ms. Schwartz and unanimously approved.

CASE # 1487 – REQUEST OF FRED MATTE REPRESENTING HARDEE’S, 528 COLLEGE PARKWAY, ANNAPOLIS, MARYLAND, FOR THE FOLLOWING VARIANCES FOR SIGNAGE: 1) ONE (1) ADDITIONAL WALL SIGN UNDER FORTY (40) SQUARE FEET; AND 2) 13’6” FRONT SETBACK VARIANCE FOR PLACEMENT OF A PYLON SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 801 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2327, LOT 5, ZONED C-2

Mr. Fred Matte representing Hardee’s was sworn in to address this submittal. Mr. Matte explained that the Town Ordinance allows one (1) forty square foot wall sign per business and due to the location of their building at the Village at Elkton Shopping Center they feel there is also a need for a wall sign on the western side of the building to enhance visibility from Delaware Avenue. He mentioned that each wall sign will be 30 square feet with a combined square footage for the two signs of 60 square feet.

Mr. Olewine asked if the signage being requested is typical of other Hardee’s locations. Mr. Matte stated two signs are typical of most stores with some stores having up to 4 signs. There was discussion regarding the location of the pylon sign at the east of the property offering visibility to traffic traveling westbound on Route 40. Mr. Matte pointed out that the reason for the front setback variance is to keep the reader board section of the pylon sign from being obscured by three trees in the landscape buffer along Route 40.

Mr. Olewine asked if all the signs will be lighted. Mr. Matte confirmed they are all lighted signs. Mr. Olewine entertained additional questions from the Board. Ms. Schwartz asked if this Hardee’s will be typical of those in the South. Mr. Matte noted they have 22 other Hardee’s locations in Maryland and Delaware, with the closest one being in Bear, Delaware.

Mr. Mehelas questioned whether the location of the pylon sign will conflict with the road sign for Delaware Avenue and Route 7. Mr. Matte stated the signs are offset from each other so site visibility will not be an issue for either sign.

Mr. Olewine entertained questions from the audience. There were no questions.

MOTION: Motion was made by Mr. Mehelas to approve one (1) additional wall sign for the Hardee’s. The motion was seconded by Ms. Hicks and unanimously approved.

MOTION: Motion was made by Mr. Mehelas to approve the 13'6" front setback variance for the pylon sign. The motion was seconded by Ms. Hicks and unanimously approved.

CASE # 1488 – REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, 106 BOW STREET, FOR A SPECIAL EXCEPTION TO PLACE AN ADULT DAYCARE FACILITY IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 301 AUGUSTINE HERMAN HIGHWAY, ELKTON, MARYLAND, TAX MAP 320, PARCEL 2463, ZONED C-2

Mr. David Strouss of McCrone, Inc. and Mr. Mark Mears of Union Hospital were sworn in to address this submittal. Mr. Strouss explained they are requesting a special exception to place an adult daycare at the Southfield Park Center in the building where the Happy Harry's drugstore had been previously. He stated the building is approximately 11,400 square feet and 5,964 square feet of the building will be used for the adult daycare center with the remaining square footage to accommodate the open MRI which will be relocated from the Marina Plaza shopping center. Mr. Strouss addressed the traffic flow for each use. He stated the drive through window on the western side of the building will be removed and a canopy and sidewalk will be added for the entrance. He noted that the two foot concrete island will also be removed. The open MRI will be accessed at the entrance along Route 213 while the daycare entrance will be located at the rear of the building. The uses require 44 parking spaces and they are providing 88 parking spaces.

Question was raised as to whether the size of the new daycare facility will be comparable to the current location. Mr. Mears stated it will be slightly smaller. He also noted that the current daycare location will be repurposed to house a new radiation oncology center.

Mr. Mehelas inquired as to the number of patients being facilitated at the new location. Mr. Mears responded that there would be no change to the current daycare program and they accommodate approximately 40 clients per day. It was noted that the program is under the auspices of Union Hospital but they are regulated by State requirements. They have a staff of ten which includes a program director, RN's, and aids as well as other staff. They will begin renovations in early to mid-April and hope to have the program up and running in July. The radiation oncology center should be open by November of 2016. Their clients are mainly geriatric patients but there may be younger patients who are dealing with traumatic injury. Ms. Hicks asked if there would be any conflict of interest between this program and similar businesses in the area. Mr. Mears stated the hospital will make patients aware of the facility but it is not a referral in the same way that you would refer someone to a doctor's office. He noted there are strict guidelines regarding that issue.

Mr. Olewine entertained any questions from the audience. There were no questions.

MOTION: Motion was made by Mr. Mehelas to approve the special exception for an adult daycare center at 301 Augustine Herman Highway provided the current adult daycare location on Railroad Avenue is subsequently closed. The motion was seconded by Ms. Hicks and unanimously approved.

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OLD BUSINESS: Mr. Bromwell informed the Board that Mr. James Cooney gave his resignation from the Board.

NEW BUSINESS: Mr. Bromwell noted that Ms. Heather Mahaffey was appointed to complete Mr. Cooney's term on the Board. He also mentioned that Dr. Richard Czernik had been appointed as the new alternate member for the Board.

Mr. Olewine inquired regarding the appointment of a vice chair which is normally done in January each year. Ms. Blackson stated that now that a full board has been appointed the vice chair nominations can be made at the April meeting.

The next meeting of the Board is scheduled for April 21, 2016. Mr. Bromwell noted there is one case submitted for the April meeting. There being no further business to discuss Mr. Olewine adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Brenda Humphreys