

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
SEPTEMBER 24, 2020  
VIRTUAL MEETING MINUTES**

**Present:** Robert Olewine; Heather Mahaffey; Sam Goldwater; Chip Bromwell, Zoning Administrator; Lisa Blackson, Esq., Legal Counsel

**Absent:** Shirley Hicks; Dawn Schwartz

The meeting was called to order by Mr. Olewine. He called for any additions or corrections to the minutes of the July 16, 2020 meeting. There being no corrections he called for the motion.

**ACTION:** Motion was made by Ms. Mahaffey to approve the minutes from the July 16, 2020 meeting as written. The motion was seconded by Mr. Goldwater and unanimously approved.

**CASE # 1567 – REQUEST OF STEPHEN ROBINSON, REPRESENTING THE LITTLE DISCIPLES DAY CARE CENTER, FOR A SPECIAL EXCEPTION FOR A DAYCARE SERVING MORE THAN 30 CHILDREN. THIS ACTION CONCERNS PROPERTY LOCATED AT 677 E. PULAKSI HIGHWAY, SUITE A, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2245 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Olewine mentioned that the rear of his property adjoins the Alexandra's Village property where the daycare will be located. He stated he feels he can be fair and impartial in his review and decision making regarding this case. He stated that if Mr. Robinson is not comfortable with him being involved in the decision making then he can recuse himself but they would not be able to hear the case due to lack of a quorum. Mr. Stephen Robinson, owner of Alexandra's Village stated he did not have any issues with Mr. Olewine chairing the meeting and making decisions regarding the special exception. Mr. Robinson as the owner of the property and Mr. David Strouss of McCrone were in attendance to address this request.

Mr. Olewine called for the presenters to be sworn in. Ms. Blackson swore them in as the legal counsel for the Town.

Mr. Robinson stated that there is currently the Kids First Swim School at this location. The idea is that the daycare will fill in the pool and open the daycare center. Since the virus the Kids First Swim School has not been open and they are struggling getting back into business.

It is a good location for the daycare since it provides good access and plenty of parking. He addressed the conditions of the special exception as called out in the Town Zoning Ordinance. He stated he does not believe the daycare use would be detrimental to the public or cause any concerns for the neighboring properties.

He stated the daycare which wants to lease the property currently runs a daycare in the area and they are looking to expand. Mr. Robinson mentioned that the outdoor daycare activities will be screened with internal fencing as well as fencing along the property lines to create a second barrier.

Mr. Robinson said there would be no change to the exterior of the building other than adding the playground area. There is adequate water and sewer, direct highway access to Route 40 and substantial parking. The major of parking would be prior to 9:00 a.m. and later in the afternoon. The parking use for

the medical uses in this building will be at different times than the day care use. There is a controlled ingress and egress for the property. Daycares tend to be highly regulated by the State and are required to have licensed staff. They have to abide by strict regulations by the State.

Mr. Robinson stated this building was constructed in 2009 and conforms to applicable Town regulations. The current tenants of the building are the Images Salon, an oral surgeon, an ob/gyn doctor and a pain management and vein clinic.

He mentioned they have received comments from the Town Engineer, KCI and they have no objections to any of the comments received.

Mr. Olewine asked about the blacktop being removed for the daycare play area. Mr. Robinson stated some blacktop would be removed and replaced with Astro-turf which is a pervious material. He mentioned this use will actually reduce the impervious surface limitations. Mr. Robinson stated they would be placing play equipment for the children to use.

Mr. Olewine asked about the dumpster location. Mr. Robinson said it was being moved to the front corner of the property and that it would be screened.

Ms. Mahaffey questioned whether the pool was going to be filled in. Mr. Robinson said if the swim school is unable to continue their business and the daycare is approved then the pool will be filled in to accommodate the daycare use. Mr. Robinson stated this would be the second pool within a building he will have had to have filled and that it is quite a challenge.

Mr. Olewine read the recommendation from the Planning Commission with regard to the daycare use. (see attached) Mr. Olewine inquired about making repairs to the vinyl fence which is located between the shopping center and his property. Mr. Robinson said they would take care of repairs to the fence.

**MOTION: Motion was made by Mr. Goldwater to recommend approval of the Special Exception for the daycare use at Alexandra's Village contingent upon addressing all outstanding comments from KCI; confirmation that the pool has been filled according to structural engineering requirements and that the square footage recommendations for 110 children have been met in compliance with State regulations with respect to square footage per child as recommended by the Planning Commission. Motion was seconded by Ms. Mahaffey and unanimously approved by the remaining Board member.**

**CASE # 1568 – REQUEST OF MORRIS & RITCHIE ASSOCIATES, INC. REPRESENTING SOUTH STREAM FIRST, LLC, 222 N. CONSTITUTION AVENUE, NEW FREEDOM, PENNSYLVANIA FOR A ONE (1) FOOT FRONT SETBACK VARIANCE TO CONSTRUCT A COVERED PORCH. THIS ACTION CONCERNS PROPERTY LOCATED AT 10 DILL COURT, LOT 29, ELKTON, MARYLAND, TAX MAP 319, PARCEL 2405 AND ZONED R-2 (SUBURBAN RESIDENTIAL)**

Mr. Johnny Bates of Morris & Ritchie Associates was in attendance to address this variance request. He stated they are requesting the variance for the homeowner who would like to have a full porch on the home being built for them. Because of the geometry of the lot the size porch they desire will not fit. He

noted that the Town Zoning Ordinance does not allow covered porches to go into the existing setback while a deck without a roof is allowed to go into the setback.

Mr. Olewine asked if any of the Board members had any questions regarding this request. There were no questions from the Board.

Mr. Chip Bromwell, Director of the Town's Building Department, pointed out that the address which is shown on the agenda is incorrect. The actual address for the property in question is 10 Dill Court.

Mr. Olewine said that correction will be made. He asked if there were any members of the audience who had any questions. There were no questions from the audience.

**MOTION: Motion was made by Ms. Mahaffey to approve the one (1) foot front setback variance to construct a covered porch for Lot 29, 10 Dill Court in the South Stream Subdivision. The motion was seconded by Mr. Goldwater and unanimously approved by the remaining Board member.**

**OLD BUSINESS:** None

**NEW BUSINESS:** Ms. Humphreys stated there were no cases submitted for the October meeting.

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Brie Humphreys