

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JUNE 17, 2021
MINUTES**

Present: Robert Olewine; Heather Mahaffey; Shirley Hicks; Kelly Bedder; Chip Bromwell, Zoning Administrator; Lisa Blackson, Esq., Legal Counsel

Absent: Dawn Schwartz

The meeting was called to order by Mr. Olewine. He called for a motion to approve the minutes from the May 20, 2021 meeting.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the May 20, 2021 meeting as written. The motion was seconded by Ms. Bedder with the remaining Board members voting as following: Mr. Olewine – Aye. The motion passed.

CASE # 1580 – REQUEST OF FRANK E. WOOD, III FOR A FIVE FOOT, SIX INCH (5’6”) SIDE SETBACK VARIANCE TO CONSTRUCT A DECK. THIS ACTION CONCERNS PROPERTY LOCATED AT 102 SOUTH STREAM DRIVE, ELKTON, MARYLAND, TAX MAP 033D (319), PARCEL 2405 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Frank Wood was in attendance to address this request. He stated his property is unique in that it is a corner lot and therefore has two side yards and two front yards. His house is only 25 feet off the road and therefore he doesn’t have enough room to place a decent sized deck. He stated he already has a sliding glass door in place and he would like to build the deck at that location. Because of the location of the house on the property he will need a variance to do so.

Mr. Olewine stated he is only looking for a 5’6” side setback variance which was confirmed by Mr. Wood. Mr. Wood noted that the deck will actually be at the back of his house.

Mr. Olewine asked if any Board members had any questions. Ms. Hicks asked for clarification regarding how the request is noted in the submitted paperwork and how it is noted on the agenda. Mr. Bromwell explained that due to the fact the property has two fronts and two sides they are allowed a five foot side yard setback. Ms. Hicks asked Mr. Bromwell if he was satisfied that the way both the paperwork and the agenda are written are equal. Mr. Bromwell stated that they are describing the same thing.

Mr. Olewine entertained questions from the audience. There being no further questions Mr. Olewine moved to hear the second case.

MOTION: Motion was made by Ms. Bedder to approve the 5’6” side setback variance to construct a deck at 102 South Stream Drive. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

CASE # 1581 – REQUEST OF NARGES THAYER REPRESENTING SKULL AND ROSE TATTOO FOR THE FOLLOWING VARIANCES: 1) FIFTEEN (15) FOOT FRONT SETBACK VARIANCE FOR PLACEMENT OF A SIGN AND 2) A VARIANCE TO EXCEED THE HEIGHT OF THE BUILDING BY FIVE (5) FEET FOR PLACEMENT OF A SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 611 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B (315), PARCEL 2065 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Narges Thayer was in attendance to address this request. Ms. Thayer stated they recently purchased and renovated the structure at 611 E. Pulaski Highway which had been a single family home. The property had been abandoned for several years and they are currently using it as a commercial property. She stated they would like to add signage to the property similar to that of other businesses along Route 40. The structure is a small ranch house and has a lower roof line and neighboring trees and shrubs that would block a shorter sign height. They are trying to provide greater visibility so that customers can see the sign in time for them to make the turn into the business.

Mr. Olewine asked how the height they are proposing compares to other businesses along Route 40. She stated the height they are requesting is similar to the neighboring motel.

Mr. Olewine asked Mr. Bromwell is the square footage of the sign is in compliance with the Town Ordinance. Mr. Bromwell stated that it is.

Mr. Olewine opened the floor to Board member questions or comments. The Board members had no questions.

Mr. Olewine opened the floor to audience comments. Mr. Doug Goldberg of Tupp Signs stated the main reason for the variance requests was due to the series of 10-12 foot high bushes at the neighboring hotel which blocks the view of the property. People going west bound would be unable to see the sign without the requested variances.

There being no further questions regarding this case Mr. Olewine moved on to Case # 1582.

MOTION: Motion was made by Ms. Mahaffey to approve the fifteen (15) foot front setback variance for placement of a sign at 611 E. Pulaski Highway. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

MOTION: Motion was made by Ms. Mahaffey to approve the variance to exceed the height of the building by five (5) feet for placement of a sign at 611 E. Pulaski Highway. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

CASE # 1582 – REQUEST OF GREGORY CRANMER REPRESENTING ELKTON MEMORIAL VFW POST 1875 FOR THE FOLLOWING VARIANCES: 1) VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE SQUARE FOOTAGE OF TWENTY (20) SQUARE FEET FOR A SIGN BY TWENTY ONE (21) SQUARE FEET; AND 2) VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF FOUR (4) FEET FOR A SIGN BY EIGHT (8) FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 208 W. HIGH STREET, ELKTON, MARYLAND, TAX MAP 027G (310), PARCEL 418 AND ZONED TC (TOWN CENTER)

Mr. Charles McCoy and Mr. Gregory Cranmer were in attendance to address this request. Mr. McCoy stated that he was unaware when he was raising money for placement of the sign that if the existing sign was removed it would change how close they could be to the property line with the new sign.

Mr. Olewine stated the sign they are proposing is a double sided marquee sign to allow for different messages according to the events scheduled.

Mr. Olewine opened the floor to Board member questions or comments. Ms. Hicks asked if they had made a decision on the sign they are proposing. Mr. Cranmer noted there are a number of options on the pictures

submitted with the variance application and they are proposing to place the sign labelled 'Option 2' which is double sided and eight (8) feet tall.

Ms. Hicks asked if the proposed sign would replace the existing sign on the roof or if it would be in addition to the sign on the roof. Mr. McCoy stated it would be in addition to the roof sign.

Mr. Olewine asked for the dimension of the sign. Mr. McCoy stated the sign is 38" x 76". Mr. Olewine asked if the proposed sign will be placed where the existing pole is located. Mr. McCoy confirmed that is where the sign will be located.

Mr. Cranmer explained that they intend to remove the roof sign as it will no longer be needed and they will be removing the old existing pole sign since it is wood and would be unable to handle the wind load for the proposed sign. They will be placing a steel pole for the new sign.

There was discussion regarding the location of the old sign pole. Mr. McCoy stated it is four feet away from the new pole in order to be close enough to allow the new sign to connect to the electric. Mr. Cranmer mentioned that one of the reasons for placing the new sign is that people fail to see the current sign.

Mr. Olewine opened the floor for audience comments. There being no additional questions Mr. Olewine moved to the next case.

MOTION: Motion was made by Ms. Bedder to approve the variance to exceed the maximum allowable square footage of twenty (20) square feet for a sign by twenty one (21) square feet. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

MOTION: Motion was made by Ms. Bedder to approve the variance to exceed the maximum allowable height of four (4) feet for a sign by eight (8) feet. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

CASE # 1583 – REQUEST OF ALBERT D. GUCKES, JR. REPRESENTING HERTRICH PROPERTIES XXIV LLC, FOR A SPECIAL EXCEPTION TO OPERATE HERTRICH COLLISION CENTER OF ELKTON AT 601 E. PULASKI HIGHWAY, TAX MAP 033B, PARCEL 2058, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Albert D. Guckes, Jr. was in attendance to address this request. Mr. Guckes stated they would like to convert an existing 7,533 square foot auto repair facility into a collision repair center. There will be no change to the footprint of the building. They are removing an existing above ground waste oil tank and shed on the back of the building and adding three overhead garage doors on the north side of the building.

Mr. Guckes reviewed the nine (9) conditions required for the special exception specific to the collision repair center (see copy of addressed conditions attached). He noted that seven of the conditions had already been met for the existing auto repair facility. He pointed out on the site plan the location of the building in question, the quick lane building, the landscape buffers, the fence which goes around the back of the property, the forest conservation areas and the location of the proposed overhead garage doors.

Mr. Bromwell mentioned that the quick lane use will no longer exist, the entire building will be part of the collision center use. Mr. Guckes stated the office will replace most of the current show room. Mr. Guckes shared the photos which were included in his submission which shows the views of how the property looks today and how far it will be from the neighboring property.

Mr. Olewine asked if they would maintain the existing service center at the Ford building. Mr. Guckes confirmed that the Ford building would remain as it is currently.

Mr. Olewine opened the floor for Board member questions or comments. There were no questions. Mr. Olewine opened the floor to the audience for questions or comments. There were no questions from the audience.

Mr. Olewine read the recommendation made by the Planning Commission at their meeting on Monday, June 7, 2021. (See copy of recommendation attached)

MOTION: Motion was made by Ms. Mahaffey to approve the special exception to operate a collision center at 601 E. Pulaski Highway. The motion was seconded by Ms. Hicks and unanimously approved by the remaining Board members.

OLD BUSINESS: Mr. Bromwell noted that the case for Capricorn Health, which was to be decided at the July 22, 2021 meeting could possibly be on hold because the business is not in good standing with the State of Maryland. He stated he has not received a response from their attorney in order to determine if the issue has been resolved. Therefore it is possible the decision may not be able to be finalized at the July meeting.

Mr. Olewine asked about the status of the case regarding the storage trailer at 112 Delaware Avenue. Mr. Bromwell stated that since they did not appear at the May meeting they were required to resubmit their special exception and present their case before the Board for a final decision. Mr. Bromwell informed the Board they have decided to remove the storage trailer. His understanding is that it will be removed by the end of June.

NEW BUSINESS: There was a special exception submitted for the July meeting for a medical use at 360 East Pulaski Highway. The applicant is the Center for Interventional Pain Spine, LLC.

NEXT MEETING: Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be Thursday, July 22, 2021.

There being no further business to discuss Mr. Olewine called for a motion to adjourn the meeting.

MOTION: Motion was made by Ms. Bedder to adjourn the meeting. The motion was seconded by Ms. Mahaffey and unanimously approved by the remaining Board members.

Respectfully submitted,

Brie Humphreys