

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
AUGUST 19, 2021
MINUTES**

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

Absent: None

The meeting was called to order by Mr. Olewine. He called for a motion to approve the minutes from the July 22, 2021 meeting.

ACTION: Motion was made by Ms. Schwartz to approve the minutes from the July 22, 2021 meeting as written. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Bedder – Aye; Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

Mr. Olewine called for all presenters to be sworn in. Ms. Blackson swore in the presenters.

CASE # 1585 – REQUEST OF JIM MALIN OF URBAN NEON, INC. REPRESENTING ELKTON ASSOCIATES, LP FOR A VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE SQUARE FOOTAGE OF FORTY (40) SQUARE FEET FOR A WALL SIGN BY ONE HUNDRED AND SEVEN (107) SQUARE FEET FOR PLACEMENT OF A WALL SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 133 BIG ELK MALL (FORMER PEEBLES), ELKTON, MARYLAND, TAX MAP 033B (315), PARCEL 2225 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. John Peters of Cordish Company representing Big Elk Mall and Mr. Jim Malin of Urban Neon, Inc. were in attendance to address this request.

Mr. Malin noted that all the proposed signs are UL listed, they follow all the building and electrical codes for the State of Maryland. He stated they will use a local installer since they are located an hour and a half away. He then introduced Mr. John Peters.

Mr. Peters introduced himself as the Director of Operations for the Cordish Company. He stated he is in attendance to support Harbor Freight Tools who will be moving into half of the unoccupied Former Peebles space. He stated they are coming before the board for the sign variance due to the Town's requirements for wall signage. He mentioned that the shopping center has lost a couple of big box stores and they are trying to fill the empty spaces with other businesses which may not be as large as those who had been located there previously. He mentioned other businesses who are currently in the shopping center which also had to apply for variances for signs. He stated that all the national stores have their own logos and sign size is important in order for customers to locate them. Mr. Peters said they are looking forward to having Harbor Freight become a part of the shopping center businesses. He noted they are signing a long term lease which he feels will be a benefit for the whole town. He said he would be happy to answer any questions the Board may have.

Mr. Olewine asked if the sign illustrations presented showed what the sign will look like if the variance request is approved. Mr. Malin stated that there are two illustrations. One which shows the size according to the Town Zoning Ordinance regulations and one which shows the sign as proposed with the variance.

Mr. Malin mentioned that they currently have 1200 stores. They have moved into vacant stores such as Modell's Sporting Goods, Stein Mart, Corbin's and now Peebles. They have three major distribution centers across the country and three stores in Maryland located in Catonsville, Laurel and Parkville. He mentioned that the next closest store is in Newark, Delaware.

Mr. Malin stated they are working with Mr. Peters to have a store between 15,000 and 18,000 square feet. He stated they are requesting relief from the square footage allowance for wall signs which only allow a 40 square foot sign. They are asking for an additional 102 square feet in order for the sign to be easily seen from Route 40. He stated the sign will be internally illuminated. They believe the sign they are proposing will be similar to other business signs currently existing in the shopping center.

Mr. Peters pointed out that since there will be other businesses coming into the shopping center they are only being allowed half of the signage that would normally be allowed for this size space. He stated Cordish has their own sign criteria and Mr. Malin has met their requirements and feel the size of the wall sign they are placing is appropriate for the square footage of the building they will be utilizing.

Mr. Olewine asked if they plan to place any signage on the Route 213 entrance to the shopping center. Mr. Peters stated they will get half of the square footage used by Peebles in the signage along 213. He stated that now that Ollie's has come into the shopping center there have been other high profile stores which are renting or are looking into renting space.

Mr. Olewine opened the floor for Board questions or comments. Ms. Schwartz stated she appreciated the information which Mr. Malin and Mr. Peters provided. She said she wants to see Big Elk Mall do well.

MOTION: Motion was made by Ms. Schwartz to approve the variance to exceed the allowable square footage for a wall sign by 102 square feet. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Mahaffey – Aye; Ms. Hicks – Aye; Mr. Olewine – Aye. The motion passed unanimously.

CASE # 1586 – REQUEST OF SEAN C. GRAMLICH FOR A TWO (2) FOOT SIDE SETBACK VARIANCE TO CONSTRUCT A SHED. THIS ACTION CONCERNS PROPERTY LOCATED AT 158 THOMAS JEFFERSON TERRACE, ELKTON, MARYLAND, TAX MAP 027F (308), PARCEL 2451 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Mr. Sean Gramlich was in attendance to address this request. Mr. Gramlich stated he is requesting a two foot side setback variance to construct a shed on his property. He said he has already received approval from the Homeowner's Association at Patriots Glen and had spoken to some of his neighbors. He noted that the size is 5' x 10' and is slightly larger than the existing fireplaces on other homes in the subdivision. There will be no electricity or water hook up for the shed and that it would be the same color as the house. Mr. Gramlich stated the Town had reviewed the shed to determine impervious surface limitations.

Mr. Olewine asked if the shed will be accessed only from the outside. Mr. Gramlich confirmed the shed can only be accessed from the outside.

Mr. Olewine entertained questions or comments from the other Board members. Ms. Schwartz asked if he had spoken with his neighbors. He stated that he had spoken with the neighbors who have line of sight to his property.

Mr. Olewine entertained questions from the audience. There was no one in attendance to speak for or against this request.

MOTION: Motion was made by Ms. Bedder to approve the request for a two (2) foot side setback variance to construct a shed at 158 Thomas Jefferson Terrace. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Schwartz – Aye; Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

There being no further discussion Mr. Olewine moved on to the next agenda item.

OLD BUSINESS: Tabled from May 20, 2021 meeting - Case # 1578 – Capricorn Health – 101 Chesapeake Boulevard – Medical Use

Ms. Blackson stated that this case had been tabled to get clarification regarding whether the medical use fell within the purview of a doctor's office or a clinic. We also needed to verify the business was in good standing. She stated she believed the only action which needed to be taken was to vote on the original request.

Mr. Gelmann stated the business is an outpatient drug rehabilitation clinic using suboxone treatment for narcotic abuse. Mr. Olewine stated they are not using methadone and the medication will be given by prescription only and dispensed through a pharmacy. Dr. Gelmann confirmed that he was correct.

Ms. Schwartz stated she had not been at the original meeting and Mr. Olewine asked if they could provide a summary of their request. Mr. Riddle stated they had requested a special exception since there was a change in ownership but they will be operating as a medical facility in the same manner and providing the same services with the same doctors.

Mr. Olewine stated his understanding is there will be three doctors which was confirmed by Mr. Riddle. Mr. Olewine asked the number of patients that would be seen a day. Dr. Gelmann stated they are open three days a week with approximately 20-30 patients being seen a day.

Mr. Olewine stated the patients would have their needs evaluated and treatment would be dispensed by prescription and there would be no inpatient treatment. Dr. Gelmann stated that was correct.

Mr. Bromwell stated that he and Ms. Blackson had discussed this case and asked if Mr. Riddle could provide the names of the doctors who will be practicing at this location. Mr. Riddle stated he would provide Mr. Bromwell with the names of the doctors.

Mr. Olewine entertained questions from the audience. There was no one in attendance to speak for or against this request.

MOTION: Motion was made by Ms. Bedder to approve the special exception to operate as Capricorn Health, LLC and have up to three (3) professionals seeing patients. The motion was

seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Schwartz – Aye; Ms. Mahaffey – Aye; Mr. Olewine – Aye. The motion passed unanimously.

NEW BUSINESS: None

Mr. Olewine asked if there were any cases submitted for the September meeting. Ms. Humphreys stated no cases have been submitted to date.

NEXT MEETING: Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be Thursday, September 16, 2021.

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:38 p.m.

Respectfully submitted,

Brie Humphreys