

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
NOVEMBER 18, 2021  
MINUTES**

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

**Absent:** Kelly Bedder; Dawn Schwartz

The meeting was called to order by Mr. Olewine. He called for a motion to approve the minutes from the October 21, 2021 meeting.

**ACTION:** Motion was made by Ms. Hicks to approve the minutes from the October 21, 2021 meeting as written. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.

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

**CASE # 1592 – REQUEST OF KC SIGN COMPANY REPRESENTING DOMINO’S FOR A VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY 26.16 SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 161 BIG ELK MALL, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2225 AND ZONED R-2 (SUBURBAN RESIDENTIAL)**

Mr. John Peters, Director of Operations & Construction for Big Elk Mall and Mr. Greg Feld of KC Signs were in attendance to address this request. Mr. Feld stated that Domino’s would like to place a wall sign on the building consisting of channel letters. The store front is approximately 450-475 feet from the road and they are asking for relief to place a sign that would give them greater visibility. The sign they are proposing is in line with other businesses in this shopping center.

He noted the sign will be lit with interior LED lights. They provided renderings in their submittal showing what would be allowed by the Ordinance and what they are proposing. They are requesting to exceed the allowable square footage of forty (40) square feet for a wall sign by 26.16 square feet.

Mr. Olewine stated the proposed sign appears to be the same size as the businesses on either side of where the Domino’s will be placed. Mr. Peters stated that he suggested that they seek a variance for the sign when it was initially presented to him. Mr. Peters said he believes their request is very reasonable and he mentioned the variance requested by Harbor Freight that was recently requested. He said the sign meets all the mall criteria for their signage allowances.

Mr. Peters stated the Domino’s franchisees are in attendance. He noted they currently have 21 franchises and are very professional in their management. He said he hoped the Board would be amenable to approving the variance request.

Mr. Olewine entertained questions or comments from the other Board members. They had no questions. Mr. Olewine entertained questions or comments from the audience.

Mr. Don Prouse and his son, Brett were in attendance. Mr. Prouse stated he grew up in Newark, DE and has stores in Delaware, Maryland and Pennsylvania which include stores in North East, Perryville and Kent and Sussex Counties. He stated he had to close his stores in New Castle County during the financial downturn in 2008.

Mr. Prouse said they would like to have as much visibility as possible. Mr. Olewine asked if they will also be placing signage on the pylon signs at the mall. Mr. Prouse stated that they would be adding signage to the pylon signs. He noted that he tries to drive by his stores every day.

**MOTION: Motion was made by Ms. Hicks to approve the variance to exceed the allowable square footage for a wall sign by 26.16 square feet for the Dominos at Big Elk Mall. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.**

**CASE # 1593 – REQUEST OF WILLIAM RIDDLE, ESQUIRE REPRESENTING JIANG YAN FOR A SPECIAL EXCEPTION TO OPERATE AN ACUPRESSURE AND AROMA THERAPY BUSINESS. THIS ACTION CONCERNS PROPERTY LOCATED AT 619 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2246 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. William Riddle, Ms. Jiang Yan and Mr. Steve Chang were in attendance to address this request. Mr. Riddle stated Ms. Yan is renting half of the building located at 619 E. Pulaski Highway. She will be utilizing the left hand side of the building in order to provide acupressure services and aroma therapy. Mr. Riddle explained that acupressure is essentially a deep muscle pressure at pressure points on the body which is different than massage. He stated they have provided a copy of the certificate she received when she took the class to learn acupressure.

Mr. Riddle stated the need for the special exception is because this service is viewed like a medical office. He stated it is their position that the use of this building for the acupressure business will not endanger the public health, safety or general welfare of the public. It does not change the use and enjoyment of this property or other properties in the vicinity. It will not impair the value of any properties in the general area. He said there won't be any issue regarding change in the character of the neighborhood.

Mr. Riddle stated the business will not burden any utilities such as water, sewer or septic. Ms. Yan's plans are to run the business by appointment only.

He stated there is adequate ingress and egress to the property along Route 40. He stated they believe the business will meet the standards of the Town's Comprehensive Plan and Zoning Ordinance. She may hire someone to help with scheduling of appointments and answering the phone but she will be the only person providing the acupressure services.

Mr. Olewine asked if they will be providing acupressure only, as opposed to acupuncture. Mr. Riddle stated the service does not use needles or any kind.

Mr. Olewine entertained questions from the Board members. Ms. Hicks asked if Ms. Yan had a more current certificate than the one provided from 2019. Mr. Riddle stated she is not required to do any other continuing education. Ms. Hicks asked how often she would need to be recertified. Mr. Riddle stated

that his understanding is that the certificate she received would be the only one required for acupressure and unless you are going to progress into acupuncture then the certificate she currently holds would be the only one that would be needed.

Ms. Mahaffey asked if she is required to have any kind of insurance to provide this type of service. Mr. Riddle stated they have liability insurance as well as general liability insurance.

Mr. Olewine asked if another employee, who might work with her in the future, would need their own license or could they work under her license. Mr. Riddle stated that as long as she is onsite she would be allowed to have an assistant work with her.

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

Mr. Olewine read the Planning Commission recommendation (see copy attached) from their November 8, 2021 meeting.

**MOTION: Motion was made by Ms. Hicks to approve the special exception for Jiang Yan to operate an acupressure and aroma therapy business at 619 E. Pulaski Highway. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.**

**CASE # 1594 – REQUEST OF TUPP SIGNS REPRESENTING BVG ELKTON, LLC (TRACTOR SUPPLY) FOR THE FOLLOWING VARIANCES: 1) FOR AN ADDITIONAL WALL SIGN AND 2) TO EXCEED THE TOTAL ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN BY FIVE (5) SQUARE FEET. THIS ACTION CONCERNS PROPERTY LOCATED AT 1111 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2438 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Doug Goldberg of Tupp Signs was in attendance to address this request. He stated the Tractor Supply has a garden center attached to, but separate from, the main building. He noted it has its own entrance. Tractor Supply is not known for their garden center and therefore they feel it is essential to provide signage to let customers know there is a garden center provided. He stated they wish to place the sign to the eave of the first section of the garden center. The sign will be internally LED lighted and is custom fitted to fit within the eave of that section of the garden center.

Mr. Goldberg stated the sign will be essential to this part of their business to advertise this additional business that most people are not familiar with. He noted they are only asking for a small amount of relief of only five square feet. He stated if they were to reduce the size of the sign to accommodate the Town Ordinance it would be too small and not as visually pleasing.

Mr. Olewine asked if this will be the only sign placed at the garden center. Mr. Goldberg confirmed there will only be the one sign.

Mr. Olewine entertained questions or comments from the Board members. There were no questions. He entertained questions from the public. There were no questions from the public.

**MOTION: Motion was made by Ms. Hicks to approve the variance for an additional wall sign for the Tractor Supply. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously**

**MOTION: Motion was made by Ms. Hicks to approve the variance to exceed the allowable square footage for a wall sign by five (5) square feet. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.**

**CASE # 1595 – REQUEST OF WILLIAM RIDDLE REPRESENTING FARIWAY CAPITAL INVESTMENT, LLC FOR A SPECIAL EXCEPTION FOR A STORAGE TRAILER FOR A THREE (3) YEAR PERIOD. THIS ACTION CONCERNS PROPERTY LOCATED AT 213 W. PULASKI HIGHWAY, ELTKON, MARYLAND, TAX MAP 033A, PARCEL 0310 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. William Riddle and Mr. Hassan Hayat were in attendance to address this request. Mr. Olewine noted that this location is the old Southern States building. Mr. Riddle stated he was correct. Mr. Olewine asked where the storage trailer will be placed on the property. Mr. Riddle stated the trailer will be placed to the right of the building if you are looking at the building from Route 40 and even with the face of the front of the building.

Mr. Olewine asked what size the trailer would be. Mr. Riddle stated it is a 56' trailer. It was noted that the trailer will not extend forward of the building or past the end of the building at the rear.

Mr. Olewine asked how the storage trailer will be used. Mr. Riddle stated it will be used to store scrap tires. They will be operating a used tire facility and the trailer will hold the tires they are replacing. He mentioned they had come before the Board in July of 2020 for the same special exception and were granted the special exception for one year. He said in essence they are requesting a new special exception for the same business.

Mr. Riddle stated the trailer will be tagged and operable in order to take the scrap tires to the recycling facility once the trailer has been filled. Mr. Olewine asked if there will be any other trailers being used at the business. Mr. Riddle stated this trailer would only be used for tires that could no longer be used.

Mr. Riddle noted that any tires which would be coming on to the site would be only those which are going to be offered for sale, the tires will be either new or tires that are used but are in good shape for resale. All the tires which arrive will be prescreened and ready for sale.

Mr. Olewine questioned if tires that might be stored in the building will be stored according to fire code. Mr. Bromwell stated they have constructed a room with fire walls in accordance with the fire code.

Ms. Hicks asked for clarification of the previous special exception that Mr. Riddle alluded to. Mr. Riddle stated they had received approval of a special exception on October 8, 2020 for a storage trailer for this business. He noted the trailer will be placed on a concrete pad which currently exists on site. He stated that any tires that might be displayed outside would be required to be moved inside the building at the end of each business day.

Mr. Riddle mentioned that usually a special exception is granted for a six month period. He stated they had requested a three year period when they came before the Board initially and were granted one year in order to see if there would be any issues with the business.

Ms. Hicks asked Mr. Bromwell how many times a special exception can be extended. Mr. Bromwell stated that there is no limit to the number of times it can be extended.

Mr. Olewine asked if the business was open currently. Mr. Riddle stated they will be open within 60 days if the special exception is granted. They mentioned they are currently opening a store in Delaware and once that store is open they plan to begin work on the Elkton store.

Mr. Olewine entertained questions from the Board members. There were no additional questions. He opened the floor for public comments. There were no questions from the public.

Mr. Olewine read the Planning Commission recommendation (see copy attached) from their November 8, 2021 meeting.

**MOTION: Motion was made by Ms. Hicks to approve the storage trailer for 213 W. Pulaski Highway for a three year period. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.**

**OLD BUSINESS:** Mr. Bromwell stated that the Smoke Hub Company that did not appear for the October meeting would be coming in to the December meeting.

**NEW BUSINESS:** There was no new business for discussion.

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

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:43 p.m.

Respectfully submitted,

Brie Humphreys