

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
APRIL 21, 2022
MINUTES**

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

Absent: Robert Olewine

The meeting was called to order by Ms. Mahaffey. She asked if there were any corrections to the minutes of the March 17th meeting. There being no corrections she called for a motion to approve the minutes from the March 17, 2022 meeting as written.

ACTION: Motion was made by Ms. Schwartz to approve the minutes from the March 17, 2022 meeting as written. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Hicks – Aye; Ms. Mahaffey - Aye. The motion passed unanimously.

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

CASE # 1605 – REQUEST OF MICHAEL MARINE REPRESENTING WALMART SUPERCENTER FOR A SPECIAL EXCEPTION FOR STORAGE TRAILERS. THIS ACTION CONCERNS PROPERTY LOCATED AT 1000 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 0493 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Marine was in attendance to address this special exception request. He stated everyone is probably aware of the storage trailers which are placed each year around the holidays. He noted that recently they have seen an influx of inventory because their suppliers are behind due to the pandemic and because a lot of their shipments were delayed because the cargo ships could not unload at the ports. Because of these issues their warehouses are overflowing and it is being pushed into the stores. The reason they are requesting the additional storage trailers is to alleviate some of the freight storage in the back of their store. The only plan on having the storage trailers until around June 10th.

Mr. Marine stated they would be placing twelve 40' trailers in the Lawn & Garden area where the holiday trailers are normally located. They would also like to place six 20' trailers near the Auto Care Center.

Ms. Schwartz stated the trailers will only be there for 2-3 months and then they would be removed. Mr. Marine confirmed she was correct. He stated their home office is telling them that should address the influx of merchandise they are currently being sent. He explained that when they get their normal deliveries they might have one truck a night and two nights out of the week they would get two trucks. He said that now they are seeing two trucks five nights a week and then one truck the other two nights. This will be approximately a 60% increase in merchandise.

Mr. Marine stated the Planning Commission asked them to contact the Town if they feel they will need to go beyond mid-June. He stated they should know by mid-May if the merchandise is not going to slack off. He stated that there are currently six trailers on the property which they received permission to place immediately. He said they will place the additional trailers as they are needed as the freight comes in.

Mr. Bromwell noted that normally trailers can be placed anywhere from 10 days to 6 months with a special exception so technically if they were only extending the time for a few more weeks they wouldn't need to come back before the Board.

Mr. Marine stated that Walmart doesn't really like having the trailers on site either but they can't overload the aisles and their stock rooms with the amount of merchandise they are anticipating.

Ms. Hicks asked how many additional trailers they are requesting beyond the six which are on the property currently. Mr. Marine stated there will be a total of twelve 40' trailers and five 20' trailers for a total of 17 trailers.

Ms. Mahaffey asked if anyone in the audience would like to speak for or against this request.

Mr. Robert Hodge of Elk Neck, Maryland stated he owns property in Elkton at 202 E. Pulaski Highway. He stated he is in the storage container business so what he is about to say will be biased. He said he is a former County Commissioner and former County Councilman of which he was president. He noted that when he evaluated all the laws in Cecil County he always factored in the health and safety aspect of the general public. He stated he feels the Town's Ordinance is unnecessary to require special exceptions for shipping/storage containers. He said his company has thousands of containers which service New Jersey, Pennsylvania, Delaware, Maryland and northern Virginia. He stated there are only two municipalities that he is aware of in this entire area which have restrictions on storage containers. One of them, Aberdeen, does not enforce their ordinance. The other is Elkton, which prohibits storage trailers and enforces their regulations. He stated he does not feel commercial use of storage trailers causes a problem with respect to life safety issues, property values, etc. He encouraged the Board to approve the special exception for this application and to consider requesting the appropriate departments to amend the Town ordinance which causes aggravation for commercial businesses to do their job.

Mr. Bromwell noted that Mr. Hodge's request would need to go before the Mayor & Commissioners initially and then they would direct the Planning Department & the Building Department to address the change should they wish to amend the Ordinance for this specific use.

Ms. Mahaffey asked if anyone else in the audience had comments regarding this request. There were no other person who wished to speak.

Ms. Blackson stated the Board might want to consider allowing the special exception up to six months in case there are any complications in meeting the deadline of June 10th.

Ms. Mahaffey read the recommendation of the Planning Commission from their meeting on April 11, 2022 (see attached).

MOTION: Motion was made by Ms. Schwartz to approve the special exception request of Walmart Supercenter for additional storage trailers for a six month period. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Hicks – Aye; Ms. Mahaffey – Aye. The motion passed unanimously.

OLD BUSINESS: None

NEW BUSINESS: Mr. Bromwell stated there have been two cases submitted for the May meeting to date.

ELECTION OF OFFICERS:

MOTION: Motion was made by Ms. Mahaffey to nominate Mr. Olewine as Chair of the Board of Zoning Appeals. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Hicks – Aye; Ms. Schwartz – Aye. The motion passed unanimously.

MOTION: Motion was made by Ms. Bedder to nominate Ms. Mahaffey as Vice Chair of the Board of Zoning Appeals. The motion was seconded by Ms. Schwartz with the remaining Board members voting as follows: Ms. Hicks – Aye. The motion passed unanimously.

NEXT MEETING: Ms. Mahaffey stated the next meeting of the Board of Zoning Appeals will be Thursday, May 19, 2022.

There being no further business to discuss Ms. Mahaffey called for a motion to adjourn the meeting.

MOTION: Motion was made by Ms. Hicks to adjourn the meeting. The motion was seconded by Ms. Bedder with the remaining Board members voting as follows: Ms. Hicks – Aye; Ms. Schwartz – Aye.

The meeting was adjourned at 6:18 p.m.

Respectfully submitted,

Brie Humphreys