

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
JUNE 16, 2022
MINUTES**

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

Absent: Heather Mahaffey

The meeting was called to order by Mr. Olewine. He stated the first item on the agenda was approval of the minutes of the May 19th meeting.

ACTION: Motion was made by Ms. Schwartz to approve the minutes from the May 19, 2022 meeting as written. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Bedder – 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 # 1608 – REQUEST OF CAMERON BROWN, ESQUIRE REPRESENTING WEST MAIN HOLDINGS, LLC FOR A SPECIAL EXCEPTION TO OPERATE A COUNSELING SERVICE. THIS ACTION CONCERNS PROPERTY LOCATED AT 136 WEST MAIN STREET, ELKTON, MARYLAND, TAX MAP 027G, PARCEL 1384 AND ZONED TC (TOWN CENTER)

Mr. Cameron Brown, Esquire and Ms. Ashley Mattix of Changing Tides Therapeutic and Consultative Services, LLC were in attendance to address this request. Mr. Brown stated he is representing West Main Holdings, LLC, the owner of 136 & 138 West Main Street which is currently the location of Art Space on Main. He stated they acquired the building in February of 2020 and therefore it has taken them some time to get to the point where they are now, requesting this special exception.

Mr. Brown stated he believes the second floor of this property had historically been a residential apartment. He stated the apartment has been vacant for a substantially long time. They had considered placing a commercial use on the second floor. Upon reviewing the general requirements in the Town Zoning Ordinance for a special exception in Article IV, Section 6 and the additional conditions of a special exception for counseling called out in Article XII, Section 34 they feel they meet all of the requirements.

Mr. Brown stated that although they fall under the category of counseling service he wanted to assure the Board that this is not a clinic, a doctor's office or any service which will be prescribing medication of any kind. Changing Tides and the people who work there are unique in that they provide trauma-informed counseling services. He explained that over the past 40 years there has been a growing body of science looking into the impact of traumatic events on human beings. These counselors use their knowledge in assisting children and adults or families who have experienced a traumatic event which has had a detrimental effect on their ability to function well and to maintain appropriate self-care.

Mr. Brown stated they will be providing individual therapy and he said that in his experience as an attorney in family law he can attest to the fact that this County is underserved with regard to this type of assistance. He noted he has had clients who have had their children on waiting lists for upwards of 2 years and therefore he believes this kind of service is urgently needed at this time.

He introduced Ms. Ashley Mattix of Changing Tides to address in more detail what it is they do and the services they offer. He referred to the information which they had submitted addressing the conditions of the special exception and how this use satisfies those conditions. (See attached correspondence)

Mr. Brown noted that the use will not be detrimental to the Town as it seeks to improve the public health and general welfare of those who live in the Town. The use will not be injurious or diminish property values since it is located on the second floor of the building. The immediate neighbors are a florist shop and a property management office, one of which also has residential units on the second floor. The only change to the outside of the building will be the replacement of an exterior railing to conform to commercial standards and requirements.

He stated the property is served by Delmarva Power for electric service and the Town for municipal water, sewer and trash services and will not overburden or tax those services.

Mr. Brown noted that they are also able to satisfy the conditions set forth in Article XII, Section 34 with regard to location, the number of practitioners allowed, off-street parking, and adequate waiting area inside the building. He stated there is adequate off-street parking available at the rear of the property for clients as well as the counselors. The anticipated volume of clients will not have a noticeable impact on traffic in the area. The use will conform to the regulations for the district in which it is located and the interior space is adequate to provide a suitable waiting area for clients to wait indoors rather than having them congregate on the sidewalk outside the building.

Ms. Mattix stated they intend to focus on the professional community in order to be a resource and support. They will be applying for grant funding in order to provide these services.

Mr. Olewine asked Ms. Mattix how many patients they anticipate seeing in an 8 hour day. Ms. Mattix stated they plan on having three clinicians (licensed clinical social workers) and each of them would see 10-20 clients a week. For example, her case load would be approximately 5 clients a day. Mr. Olewine asked if they would have evening hours. Ms. Mattix stated right now they are looking at having appointments between 9-5 each day. She said the contract she has with one of the clinicians allows for evening hours but she doesn't see that happening right now.

Mr. Brown touched on the fact that the service not only provides counseling and training to victims and their families but they are also available to assist the counselors and others who work with these families. Those who may suffer from what is called secondary trauma. He used the recent example of the school shooting in Uvalde, Texas which affected not only the victim's families but the students, teachers, administrators, school counselors and members of law enforcement who were exposed to the trauma as they were trying to help. Ms. Mattix stated they work with the Department of Social Services, the State's attorney's office and other professionals.

Ms. Mattix introduced her partner in the business, Letha Moszer and stated they grew up in this area and are passionate about what they do. Ms. Moszer has been a full time professor for the past 13 years and Ms. Mattix has worked with Child Protective Services at the Department of Social Services, then did work for the public school system as a social worker and she now works at the Cecil County Family Violence Program through the Child Advocacy Center as well as the Domestic Violence Rape Crisis Shelter.

Ms. Mattix stated they have provided training to Cecil County Public Schools, DSS, CASA, court-appointed special advocates, and guidance counselors. She stated most of their day will be spent in providing support groups for teaching staff, social workers and therapists.

Mr. Olewine asked how many rooms are located in the space they will be occupying. Mr. Brown stated the way it is set up is there is what had been a galley kitchen along the rear of the property which will be removed and possibly replaced with office space or file storage. He stated they will be occupying the entire second floor. The open space where you enter had been a family room and den and will be used for a waiting area and a larger room for training classes and group therapy sessions.

Mr. Brown stated there are three rooms that had been bedrooms and those will be used for office space. They are approximately 10'x10' rooms.

Ms. Hicks asked Ms. Mattix for clarification with regard to the two pronged approach they use, one being therapeutic and the other is counseling. She asked if Ms. Mattix could share what a typical session of trauma informed therapy might entail. Ms. Hicks stated she realizes it would depend upon the nature of the trauma.

Ms. Mattix stated she felt the best way to assist the Board in understanding what they do would be to explain what they hope to accomplish in their therapy sessions. They are trained in understanding adversity and the research and science regarding how trauma impacts human beings. They look in detail at the symptoms of each individual to create a path for survival. For example, they will notice specific eye movements (EMDR) which is one of the main modalities which is supported in the trauma-informed practice. She stated they value relationships and the understanding that the client is the expert and they are there to help support and help them build awareness. She noted that traumatic events are mainly stored in the right side of the brain, where the fight/flight reflexes are located. Their goal is to help people unpack those experiences and allow them to be able to learn how to work through them and not keep them suppressed. She stated that for different patients there is a great deal of shame which they carry because of the trauma they have experienced.

Mr. Olewine stated it is obvious that they are very passionate about what they are doing and he applauds them for their work.

Mr. Brown mentioned that he and Mr. Bromwell have walked through the property a number of times and they will be making improvements to the building as required by Code and ADA requirements.

Mr. Olewine asked if there was anyone in the audience who wished to speak for or against this request.

Ms. Nicole Brown stated she is a counselor at Elkton Elementary School and stated they are in desperate need of trauma-informed therapy and they need more resources for the children and adults. She sees a great need in the school system and feels what they are going to provide is essential.

Mr. Olewine read the recommendation for this special exception made by the Planning Commission at their meeting on June 6, 2022. (See attached recommendation)

MOTION: Motion was made by Ms. Bedder to approve the special exception to operate a counseling service at 136 East Main Street for Changing Tides Therapeutic and Consultative

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

CASE # 1610 – REQUEST OF ERIC OLSON REPRESENTING CECIL COUNTY PUBLIC SCHOOLS FOR THE FOLLOWING: 1) A VARIANCE OF TWENTY TWO (22) SQUARE FEET TO EXCEED THE ALLOWANCE OF TWO (2) SQUARE FEET FOR A SIGN WHICH IDENTIFIES PERMITTED NON-RESIDENTIAL USE IN A RESIDENTIAL ZONE AND 2) A VARIANCE TO INSTALL A BACKLIT ILLUMINATED SIGN IN THE R-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 203 EAST THOMSON DRIVE, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2343 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Mr. Eric Olson of Cecil County Public Schools was in attendance to address this request. Mr. Olson stated the sign they are requesting is to replace the existing sign with an illuminated sign. He stated it is not intended to be a message sign. Since the sign will be backlit it will not be extremely bright to be an interference with car traffic. The sign will be located on the school property on the left hand side as you enter the school property.

Mr. Olson provided a copy of the finished art work for the sign for the Board, Mr. Bromwell and Ms. Blackson to view and then be placed in the file.

Ms. Hicks questioned whether this proposed sign will replace the existing sign. Mr. Olson stated that the new sign will replace the existing sign. Mr. Bromwell explained that the Town had no record of a permit for the original sign and therefore they are making this request for the placement of the new sign. Mr. Bromwell stated signage in residential zones only allows for a two square foot sign so that any square footage over that would require a variance since they are exceeding that square footage allowance by twenty (20) square feet.

Mr. Olewine asked if anyone in the audience had any questions regarding this request. There was no one in the audience to speak for or against this request.

MOTION: Motion was made by Ms. Bedder to approve a variance of twenty two (22) square feet to exceed the allowance of two (2) square feet for a sign which identified permitted non-residential use in a residential zone for Thomson Estates Elementary School at 203 East Thomson Drive. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Schwartz – Aye; Mr. Olewine – Aye. The motion passed unanimously.

MOTION: Motion was made by Ms. Bedder to approve the variance to install a backlit illuminated sign in the R-2 Zone for Thomson Estates Elementary School at 203 East Thomson Drive. The motion was seconded by Ms. Schwartz with the remaining Board members voting as follows: Ms. Hicks – Aye; Mr. Olewine – Aye. The motion passed unanimously.

CASE # 1611 – REQUEST OF DR. MUHAMMED NIAZ FOR A SPECIAL EXCEPTION FOR A PRIMARY PHYSICIAN'S OFFICE WITH UP TO THREE PROFESSIONALS SEEING PATIENTS. THIS ACTION CONCERNS PROPERTY AT 218 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2375 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Kaleem Ahmed was in attendance to represent Dr. Muhammed Niaz for this special exception request. Mr. Ahmed stated he is here on behalf of Tri State Health for Dr. Niaz. He stated due to the increase in patient numbers they need to expand. He stated that parking tends to be an issue at their current location on Bridge Street and they are grateful that American Home and Hardware allows them to use some of their parking spaces. He also noted that the church across the street allows them to use their parking during the week as well.

They are proposing to expand their service into the building where Dr. Moradi's dental practice was located on Pulaski Highway. They will be leasing the space from Dr. Moradi. He noted there is sufficient parking at that location for their patients.

There are renovations which need to be made in the building which they have been informed of by Mr. Bromwell. They need to comply with the ADA requirements for wheelchair accessibility for the restrooms in the building.

Mr. Ahmed stated there are a number of different specialties of doctors who will be practicing at this location. He stated that it is surprising that some of them see patients who are addicted to fentanyl are professionals. He stated they are hoping they will be able to get local physicians to join with them to support patients in the community who are struggling with addiction.

Mr. Olewine asked which doctors would be practicing at this location. Mr. Ahmed stated they have a mix of nurse practitioners and doctors who will be seeing patients. There is a phrenologist, a cardiologist, and internal medicine.

Mr. Olewine asked if they would keep the office on Bridge Street open as well. Mr. Ahmed stated that they would continue the practice on Bridge Street and noted that they have other locations in Colora and North East Maryland and an office in Middletown Delaware.

Mr. Olewine asked if their lab work is done onsite. Mr. Ahmed stated some they do onsite and others are sent out. Mr. Olewine asked if they dispense any medications at that location. Mr. Ahmed stated he believes they are mostly prescriptions and they do not dispense medication. The patients would be given a prescription and they would have to go to their pharmacy to get the prescription filled. Mr. Olewine asked if there is anything other than drug company samples which are kept onsite. Mr. Ahmed stated "Perhaps, Yes".

Ms. Bedder asked where their other office was located in Elkton. Mr. Ahmed stated they are located on Bridge Street. There were no other questions from the Board members concerning this request.

Mr. Olewine opened the floor for audience questions or comments. There was no one in the audience who wished to speak for or against this request.

Mr. Olewine read the recommendation for this special exception made by the Planning Commission at their meeting on June 6, 2022. (See attached recommendation)

MOTION: Motion was made by Ms. Bedder to approve the special exception for a primary physician's office with up to three professionals seeing patients at 218 East Pulaski Highway. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Ms. Schwartz – Aye; Mr. Olewine – Aye. The motion passed unanimously.

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OLD BUSINESS: There were no items of old business to discuss.

NEW BUSINESS: Mr. Bromwell stated there are two sign variance cases which have been submitted for the July meeting.

NEXT MEETING: Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be Thursday, July 21, 2022.

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:39 p.m.

Respectfully submitted,

Brie Humphreys