

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
DECEMBER 22, 2022
MINUTES**

Present: Shirley Hicks; Kelly Bedder; Sam Goldwater; Chip Bromwell, Zoning Administrator;
Lisa Blackson, Esq., Legal Counsel

Absent: Dawn Schwartz

A motion was made by Mr. Goldwater to nominate Ms. Bedder to chair the meeting. The motion was seconded by Ms. Hicks with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

Ms. Bedder called the meeting to order. She stated the first item on the agenda was approval of the minutes of the November 17th meeting.

ACTION: Motion was made by Mr. Goldwater to approve the minutes from the November 17, 2022 meeting as written. The motion was seconded by Ms. Hicks with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

CASE # 1616 – REQUEST OF TUPP SIGNS REPRESENTING LABEL SHOPPER FOR THE FOLLOWING SIGN VARIANCES: 1) VARIANCE TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR A WALL SIGN (40 SF) BY 9.03 SQUARE FEET; AND 2) VARIANCE FOR A SECOND WALL SIGN. THIS ACTION CONCERNS PROPERTY LOCATED AT 133 BIG ELK MALL, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2225, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Doug Goldberg of Tupp Signs was in attendance. He was sworn in to present his request for sign variances for Label Shopper. He stated the sign is a channel letter sign which is typical for Big Elk Mall signage. He stated they are requesting two variances, one for a larger sign than what is allowed by Town code and an additional wall sign. He noted there are a couple of reasons for their request. He provided a rendering which showed the difference between what the code allows for a sign and the size of the sign they are proposing. He explained that the front of the building is approximately 400 feet from Pulaski Highway and therefore it is more difficult for patrons to see the business with the smaller sign size of 40 square feet. He pointed out that what they are requesting is just a little bit bigger than what is allowed by code. He stated the frontage for the business is rather large and feels what they are proposing will fill the space much better.

Mr. Goldberg stated their reasoning for the second wall sign is that Label Shopper is a new brand and it is the first store in the area. They said their concern is if they put up just the name ‘Label Shopper’ people may not realize what kind of product they sell. Therefore, the additional wall sign says ‘Great Clothes – Great Price’ to let people know who they are for their brand recognition.

Ms. Bedder asked if any of the board members had any questions. Ms. Hicks asked if the name will also be on the pylon sign. Mr. Goldberg stated they applied for the pylon sign and it is already in place.

MOTION: Motion was made by Mr. Goldwater to approve the variance to exceed the allowable square footage for a wall sign by 9.03 square feet. The motion was seconded by Ms. Hicks with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

MOTION: Motion was made by Mr. Goldwater to approve the variance for a second wall sign. The motion was seconded by Ms. Hicks with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

CASE # 1617 – REQUEST OF BAKER, THOMEY & EMREY REPRESENTING DOUGLAS ROGERS FOR A TWENTY SIX (26) FOOT FRONT SETBACK VARIANCE FOR CONSTRUCTION OF AN OFFICE BUILDING. THIS ACTION CONCERNS PROPERTY LOCATED AT 1101 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2330 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Douglas Rogers of Rogers Customs, Mr. Dwight Thomey and Mr. Adam Taylor of Baker, Thomey and Emery were in attendance and were sworn in to address this request. Mr. Taylor asked if Mr. Rogers leased the property prior to purchasing it in 2020. Mr. Rogers stated he has been at this location for 41 years. It was noted that the properties were divided into two parcels in 2018 when Mr. Ewing decided to sell the properties. At that time Mr. Rogers purchased the parcel on which his business was located.

Mr. Taylor asked if there have been impacts to his business since he purchased the property. Mr. Rogers stated that COVID impacted his business specifically due to issues with insurance companies being short-handed. He has had to hire more help and have more products on site because the insurance administration has let people go and closed locations across the country. This has caused him to require more space in which to store parts for his business and a need for people to assist. For these reasons they need to put an addition on the building for additional office space.

Mr. Rogers also noted they have had difficulty getting parts from their vendors and they need more space in order to keep the stock on hand they are able to receive for car repairs.

Mr. Taylor stated the reason for the variance is to have more office space in order to attract customers. Mr. Rogers mentioned they have almost doubled their office staff to keep the business running smoothly for their customers and to remain competitive.

Mr. Taylor asked if there was anywhere else on his lot where the building could be placed. Mr. Rogers stated they would not be able to place the building anywhere else other than where it is being proposed because of the need for parking.

Discussion ensued regarding how this might affect neighboring properties. Mr. Rogers stated the closest business to him is Mr. Ewing's property. Mr. Rogers stated he had spoken with Mr. Ewing and he had no concerns with Mr. Roger placing the addition on the property. Mr. Goldwater asked if he had anything in writing from Mr. Ewing to confirm he has no concerns. Mr. Thomey pointed out that there is a good relationship between Mr. Ewing and Mr. Rogers and therefore Mr. Ewing has no concerns. Mr. Goldwater asked what might happen if Mr. Ewing sells his lot. Mr. Thomey stated he felt a new owner would be aware of the work being done if or when someone purchases the property in the future. He said this is another reason they are requesting this setback. It was also noted that the addition will be on the

opposite side of the lot from Mr. Ewing's property. It was also mentioned that Mr. Ewing currently has HVAC equipment on Mr. Roger's property.

Mr. Goldwater asked if there are any doors on any other sides of the building. Mr. Rogers said there are no doors other than the ones on the front of the building that customers would use, which face the parking lot. He said there will be a door for fire access on the north side of the building.

Ms. Hicks asked the nature of the business. Mr. Rogers stated they are an auto collision business. Mr. Goldwater asked for clarification for the use of the building for which they are requesting the setback variance. Mr. Rogers stated it would be used for office space only.

MOTION: Motion was made by Mr. Goldwater to approve the twenty six (26) foot front setback variance for construction of an office building. The motion was seconded by Ms. Hicks with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

CASE # 1618 – REQUEST OF RED LEAF CHESAPEAKE BLVD, LLC REPRESENTING PARATUS PHYSICAL THERAPY FOR A SPECIAL EXCEPTION TO ALLOW A PHYSICAL THERAPY FACILITY. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Bob Statkiewicz of Red Leaf Chesapeake Blvd, LLC and Mr. Paul Cunningham of Paratus Physical Therapy were in attendance and sworn in to address this request. Mr. Statkiewicz stated this building has been vacant for a few years and they have previously received approval for other medical uses. Clearway Pain Management and Main Street Dental are both in this building currently. The request they are making this evening is for Paratus Physical Therapy who are proposing to use approximately 300 square feet in one of the sections of the building.

Ms. Bedder asked Mr. Cunningham to provide information on what they intend to do in this space. Mr. Cunningham stated they would like to establish a private practice, boutique style physical therapy clinic where he can see patients one on one typically outside of the work day. He stated he is available 24/7 so if patients have orthopedic or sports medicine concerns or injuries he is able to address them.

Mr. Cunningham stated he has been practicing physical therapy for 11 years and he currently serves as a physical therapist in the VA Medical system in Wilmington, Delaware. He is looking to contribute to the growth and expansion in Elkton serving the community through education, prevention and health and wellness.

Ms. Bedder asked if he would be prescribing medication to his patients out of that unit. Mr. Cunningham stated he would not be prescribing medicine and there will be no medicine on site.

Ms. Hicks asked Mr. Cunningham how many clients he would be able to serve. He stated he would see patients for 1-2 hours in the evening by appointment only. On the weekends he would like to see more patients, normally this would be on Saturday or Sunday between the hours of 3-5 p.m. This will be a small practice for a niche population that have specific injuries or demands or goals.

Ms. Hicks asked if they had any information about the number of physical therapy services already provided in the Elkton area. She wondered if a feasibility study had been complete to determine if this is a need. She asked how his service might be different than other physical therapy clinics which might already be located here.

Mr. Statkiewicz stated they have not done a survey. This is a relatively small space whereas other physical therapy clinics would normally take 2500 to 3000 square feet with a lot of exercise equipment. He stated Mr. Cunningham will be serving a specific group of people with the therapy he will be providing.

There were no other questions from the board or the audience.

Ms. Bedder read the Planning Commission recommendation for the special exception from their meeting on Monday, December 12, 2022. (See attached)

MOTION: Motion was made by Ms. Hicks to approve the special exception to allow a physical therapy facility at 101 Chesapeake Boulevard, Suite E1. The motion was seconded by Mr. Goldwater with the remaining board members voting as follows: Ms. Bedder – Aye. The motion passed unanimously.

There being no further questions from the board, Ms. Bedder moved on to the next agenda item.

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

NEW BUSINESS: Mr. Bromwell stated there is one case for the next BZA meeting, a sign variance for Apple Mitsubishi.

NEXT MEETING: Ms. Bedder stated the next meeting of the Board of Zoning Appeals will be Thursday, January 19, 2023.

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

MOTION: Motion was made by Mr. Goldwater to adjourn the meeting. The motion was seconded by Ms. Hicks.

The meeting was adjourned at 6:32 p.m.

Respectfully submitted,

Brie Humphreys