

NORTH EAST BOARD OF APPEALS
North East Town Hall / 106 South Main Street
Thursday, March 26, 2015
7:00 P.M.

Chairman Gabrielle Oldham called the meeting to order at 7:00 p.m. Present for the meeting included members Sue Fye, Maurice Tenney, Peg Hardin and Melissa Cook-MacKenzie, Town Administrator. Also in attendance were Betsy Vennell, Director of Planning and Zoning; and Lisa Rhoades, Planning and Zoning Assistant. Valerie Combs was absent from the meeting.

The meeting was called to order at 7:06 p.m.

-MINUTES-

August 5, 2014

Ms. Fye made a motion to approve the minutes as presented with a minor correction. Mr. Tenney seconded the motion and the motion was approved by all.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

Election of Vice Chairman:

Mrs. Vennell reported that the North East Zoning Ordinance, Article 9. Section 9-10 requires the Mayor and Commissioners to appoint a chairperson if there Board of Appeals does not elect a chairperson by January 31, 2015. Since there was no meeting in January, the Mayor and Commissioners appointed Gabrielle Oldham as the Chairperson.

Ms. Hardin made a motion to elect Ms. Sue Fye as Vice Chairman of the North East Board of Appeals. Mr. Tenney seconded the nomination and the nomination was approved by all.

-PUBLIC HEARING-

Chairman Oldham opened the public hearing at 7:08 p.m.

1. Case A-2015-02-SE: Special Exception application from Connie Muller-Thym, 17 South Main Street, North East, Maryland 21901 for a proposed professional medical office located at 101 Mill Lane, North East, Maryland 21901, also found

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on Tax Map 400; Parcel 0265. Zoning Designation: VC Applicant proposes to provide counseling services. Property owner Capital Development Associates, Inc.

Due to a conflict of interest, Chairman Oldham recused herself from the portion of the public hearing involving Case A-2015-02-SE. Chairman Oldham reported that she is an adjoining neighbor to the applicant. Vice-Chairman Fye facilitated this portion of the public hearing.

Ms. Fye addressed anyone who would like to be sworn in to please come forward. Kimberly Dacey, A.S., CCR, Court Reporter swore in those who would be speaking.

Ms. Fye inquired if Ms. Muller-Thym would like her application to be part of record and Ms. Muller-Thym affirmed.

Ms. Muller-Thym opened by stating she currently has a professional office, Resolution Services, located at 17 South Main Street, North East, Maryland. Ms. Muller-Thym stated she provides mediation services for the Cecil County Circuit Court and is also a licensed psychotherapist. Ms. Muller-Thym stated she proposes to move her current professional practice into 101 Mill Lane, which she currently leases from Mr. Peter Wood. She reported she would like to eventually purchase the property.

Medication

Ms. Muller-Thym reported that there will be no dispensing of medications with her practice nor will it be part of her future practice. Ms Muller-Thym stated she has no objection to this condition being made part of the decision rendered by the Board of Appeals.

Mrs. Vennell stated that the "VC" Village Commercial District properties are within close proximity to residential properties, which is one of the reasons that Ms. Muller-Thym stressed that she would not be dispensing medications. Mrs. Vennell stated that the importance of adding this as a condition to the opinion of "no dispensing of medication of any kind" is because the rendered legal opinion will stay with the property. If Ms. Muller-Thym sells her practice, this condition would prevent a new owner from the dispensing of medications as well.

Ms. Muller-Thym's Background

Ms. Muller-Thym stated she was born and raised in Cecil County and has been a Psychotherapist for 29 years. In addition approximately 9 years ago she began working for the Cecil County circuit court. Ms. Muller-Thym reported that she had a business, The Fine Thyme located on Main Street in North East that she just closed. Her medical office had been located in the rear of the Fine Thyme business. Prior to that, Ms. Muller-Thym reported that she had an office in Elkton. Ms. Muller-Thym reported that she carries a case load of approximately

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30 cases per week which includes work for the Cecil County Board of Education and the Cecil County Employee Assistance Program. Ms. Muller-Thym does not feel her business would interfere with the local community as she will be the only employee at the new proposed location. Ms. Muller-Thym stated she is on the Board of Directors for the North East Chamber of Commerce holding a position of Secretary, President of Rotary Club for the last year and is part of NEPOC, the North East Promotional and Occupational Committee.

Ms. Fye inquired if Ms. Muller-Thym has any plans of expanding her professional office business to include another therapist. Ms. Muller-Thym stated that her business is set so that she could hire another therapist in the future, however, this location is small and if another therapist is hired they would be working the hours that Ms. Muller-Thym is not working.

Mrs. Gabrielle Oldham, 100 Mill Lane, North East, Maryland, came as the adjoining property owner and stated she is looking forward to having good neighbors move into the vacant property. Mrs. Oldham stated she believes Ms. Muller-Thym would be a good neighbor and is in favor of the professional office moving to this proposed location.

Renovations

Mr. Tenney inquired if there would be any renovations to the property. Ms. Muller-Thym stated that she would like to paint and add a handicap ramp and handicap parking space. Ms. Muller-Thym added that the current parking is 20 foot by 24 foot and accommodates 3 or more vehicles and there would be no need for street parking.

Hours

Ms. Hardin inquired about the hours of operation for the business. Ms. Muller-Thym reported the hours to be 8 a.m. – 7 p.m. Monday thru Friday, Saturday morning and an occasional Sunday as she will be trying to accommodate her clients work schedules. Ms. Hardin inquired if Ms. Muller-Thym had private clients in addition to her work with the county, court and school system. Ms. Muller-Thym explained that all of her clients are private except for those that are court ordered and she also accepts Medicaid and percentage of her practice is dedicated to free counseling. Ms. Muller-Thym stated she will not turn away someone in need of counseling.

Rezoning of 101 Mill Lane

Mrs. Vennell stated that Ms. Muller-Thym first came to the planning office in October/November of 2014. At that time, the property 101 Mill Lane, was zoned Residential. Mrs. Vennell reported that during the last Comprehensive Plan-Rezoning, almost all the properties on Race Street requested to re-zone to Village Commercial. The subject property owner did not want his property rezoned. The Planning Commission was sensitive to all property owners not wanting to rezone, therefore, 101 Mill Lane was not rezoned. When Mr. Wood was offered the opportunity to purchase, 101 Mill Lane from the previous owner, Mr. Wood bought the property under the premise that it was zoned "Village Commercial"

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but in fact it was not. When this was learned, Mr. Wood submitted an application to the Town of North East to have the property rezoned to Village Commercial. The Town went through the hearing process, and the property is now zoned Village Commercial. Mrs. Cook-Mackenzie added that there was a previous case heard involving a professional office at 500 South Main Street in Village Commercial. Unfortunately, the therapist is leaving this location due to the growth of her business and Ms. Muller Thym- business is very timely and will be a benefit to the community.

Ms. Muller-Thym stated, she is looking forward to moving her business to this new location.

2. Case A-2015-03-V: A variance application has been filed by Holiday Inn Express, c/o Eleven Willow Court, Inc., 101 Hotel Plaza, North East, Maryland 21901, also found on Tax Map 25, Parcels 739 and 741. Zoning Designation: HC and overlay District: HCOD. Applicant is requesting a 5 foot height variance for the purpose of an addition to the existing Holiday Inn Express, for a total building height of 50 feet to match the existing hotel. The North East Board of Appeals will render a decision following their Public Hearing.

Chairman Oldham asked Ms. Dacey, A.S., CCR, Court Reporter to please swear in Mr. Daniel Speakman, P.E. McCrone Engineering representing Eleven Willow Court.

Chairman Oldham inquired if anyone needs to recuse themselves from this portion of the public hearing and no one responded.

Mr. Speakman stated he would like to add the application for a 5 foot height variance to be part of the record. Mr. Speakman stated the applicant proposes to add a 12 room addition to the original Holiday Inn Express. The existing Holiday Inn Express required a height variance of 5 feet. The proposed addition would be tying into the roof line and therefore would require a variance. Mr. Speakman reported the architects tried to tie the new addition into the existing building without the 5 additional feet but the architects could not match the addition with the existing building properly. Mr. Speakman stated that he met with the Planning Commission on March 4, 2015 and they were granted Concept/Preliminary approval pending comments on the CNA letter (dated February 10, 2015), which have been addressed, one of which was the requirement for a variance for the height.

Chairman Oldham inquired about the size of the addition only being 3 rooms per floor. Mr. Speakman stated the Holiday Inn Express is full in the summer months and therefore would like to expand on their existing limited site. Mr. Tenney inquired about the decision to expand up instead of expanding out. Mr. Speakman stated that the decision to expand up will match the appearance of the existing building. Mr. Speakman displayed renderings of the proposed building. Ms. Fye inquired about parking. Mr. Speakman stated there is more than sufficient parking.

Chairman Oldham inquired about the absence of windows on the drawings presented. Mr. Speakman stated that there are windows on all sides of the addition, however the windows were overlooked on that rendering of the addition. Mr. Speakman added that the new hotel rooms will be identical in size to the existing hotel rooms. Mrs. Cook-MacKenzie inquired if any of the existing rooms would be lost in adding on the addition. Mr. Speakman stated there should be no existing rooms lost with adding the 12 room addition.

Mrs. Vennell stated that there were conditions attached to the Concept/Preliminary approval by the Planning Commission before they could request Final approval:

1. A variance approval must be obtained by the Board of Appeals.
2. Comments on the letter from CNA dated February 10, 2015 must be addressed.

Mrs. Vennell reported that there would be the loss of a few trees, however, the applicant will provide a 1 to 1 replacement. The applicant has received an exemption from submitting to Stormwater, Cecil Soil and Forestation.

Chairman Oldham inquired if there were any comments from adjoining neighbors. Mrs. Vennell reported that no comments were received by the Planning office.

With no further comments Chairman Oldham closed the public hearing at 7:40 p.m.

1. Case A-2015-02-SE

Ms. Hardin inquired, if a person buying an existing business could reapply for Special Exception if they wish to dispense drugs. Mrs. Vennell stated yes, if they were licensed, someone could apply for a Special Exception to dispense drugs and it would then be a decision of the Board of Appeals to approve, approve with conditions or not approve the application.

Mr. Tenney moved to approve the Special Exception for the professional office building to be located at 101 Mill Lane, North East Maryland with the condition:

1. there shall be no dispensing or administering of medication, drugs or prescriptions associated with the professional medical office, on the premises either currently or anytime in the future.

Ms. Hardin seconded the motion and the motion was approved by all.

2. Case A-2015-03-V

Mrs. Vennell stated that she confirmed with the Town attorney to verify whether or not the original Board of Appeal opinion would cover the addition and it did not.

Ms. Fye stated that the Board of Appeals granted the 5 foot variance for the original Holiday Inn Express and is in support of approving the 5 foot variance for the addition.

Mr. Tenney expressed concern regarding future hotels requesting height variances. Mrs. Cook-MacKenzie stated that each hotel would be required to present their own case and the location may vary which would also affect the decision regarding each case. Mr. Tenney inquired why a variance was needed since the addition would meet the existing roof line. Mrs. Cook-MacKenzie stated that the current ordinance permits 45 feet in height and anything over 45 feet in height would need a variance. In addition a construction authorization would not be issued, for a proposed building of more than 45 feet unless it was accompanied by an approval from the Board of Appeals.

Ms. Hardin inquired if the building would be an additional 5 feet to the height of the existing 50 foot tall hotel or would the 5 foot variance bring the proposed addition up to a total height of 50 feet. Chairman Oldham stated the total height is to be 50 feet.

Ms. Hardin made a motion to approve the 5 foot height Variance for the purpose of the Holiday Inn Express Expansion for a total of 50 foot in height. Ms. Fye seconded the motion and the motion was approved by all.

-REPORTS-

No comments.

-MISCELLANEOUS-

Mr. Tenney inquired about the progress of the AutoZone to be built on Lot 2 at North East Station. Mrs. Vennell reported that the plans were submitted for signature however, the plans did not have proper signature blocks, therefore were returned. In addition, a signed Public Works Agreement, which was sent out in December 2014 has not been received. Mrs. Vennell also reported that the façade of the AutoZone was changed to match the appearance of the shopping center.

Chairman Oldham inquired about the Pickled Herring Pub. Mrs. Vennell reported that Mr. McDevitt had an engineer from American Engineering inquire about what was needed to proceed with the project previously proposed for 26 South Main Street. Mrs. Vennell stated the site plan would have to be completed

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and construction would need to be substantially started before the Special Exception expired, June 2015. Mrs. Vennell reported that Mr. McDevitt was informed that he would have to reapply for a Special Exception as he would not meet the deadline. Mrs. Vennell stated that Mr. McDevitt was urged to request an extension at the time of the Special Exception hearing but had declined to do so. The ordinance does not give a provision for an extension if it is not asked for at the time of the approval. Mrs. Vennell stated there are many approvals to be obtained for that project and expects it will be a lengthy process. The engineer, knowing of all approvals needed, realizes it is not realistic that they would all be obtained and construction to be well underway by June.

-NEXT MEETING-

April 23, 2015, cancelled by Chairman Oldman.

-ADJOURNMENT

Ms. Hardin made a motion to adjourn at 8:12 p.m. Ms. Fye seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Gabrielle D. Oldham
Chairman