

**NORTH EAST BOARD OF APPEALS-  
North East Town Hall / 106 South Main Street  
Thursday, May 28, 2015  
7:00 P.M.**

Chairman Gabrielle Oldham called the meeting to order at 7:03 p.m. Present for the meeting included members Sue Fye, Peg Hardin and Marian Martino. Also in attendance was Lisa Rhoades, Planning and Zoning Assistant. Maurice Tenney, Melissa Cook-MacKenzie and Betsy Vennell were absent from the meeting.

**-MINUTES-**

March 26, 2015

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

**-COMMENTS FROM THE PUBLIC-**

None.

**-NEW BUSINESS-**

Chairman Oldham opened the public hearing at 7:06 p.m.

Case A-2015-04-V: A variance application has been filed by Robin King, 102 Pennsylvania Ave, North East, Maryland 21901, also found on Tax Map 400, Parcel 476. Zoning Designation: R2. Applicant is requesting a 9 foot rear yard and 9 foot north side yard variance for the purpose of installing a swimming pool one foot inside her property line.

Chairman Oldham addressed anyone that would like to speak on behalf of the variance case to please come forward to be sworn in. Kim Dacey, A.S., CCR, Court Reporter swore in Ms. Robin King, the applicant.

Chairman Oldham inquired if Ms. King would like her application to be part of the record and Ms. King replied yes.

Ms. King stated she would like to have an above ground pool installed in her backyard. Ms. King has custody of her grandson who is legally blind in one eye which makes it difficult for him to participate in other sports. The pool is a way for him to get some exercise and play with other children. The property is very small and has a garage with an attached screen room. Ms. King stated the screen room is still in very good condition and is used, but it does take up a good portion of the backyard. This only leaves a very small area for a pool and the pool would have to be installed 1 foot

inside of the property line. The setback for a pool is 10 feet and therefore, a 9 feet rear yard variance and 9 feet north side yard variance is being requested.

Chairman Oldham inquired about the size of the proposed pool, would it be a permanent structure, the type of material the pool was constructed of and would the pool be covered when not in use. Ms. King stated the proposed pool will be 14 feet in diameter by 48 inches in height and it will be installed as a permanent structure. The materials are steel and vinyl and the pool would be covered when not in use. Ms. King stated that she had previously had a pool, which she always kept covered when not in use. However, she was asked to take it down, as the previously installed pool did not have a approved variance or permit from the Town or County. Ms. King stated she removed the pool but she first needed an approved variance before she could apply for a pool permit.

Ms. Hardin inquired if property in rear of the home to the north belonged to Ms. King. Ms. King stated that the property, on the other side of her fenced property to the north, belongs to the adjoining neighbor. Chairman Oldham inquired about the height of the fence around Ms. King's property. Ms. King stated her whole rear yard is fenced with a standard chain link fence approximately 4 feet in height. In addition, the fenced yard is gated with a lock. Ms. Fye inquired if Ms. King's home was a duplex and Ms. King confirmed it was a duplex.

Ms. Oldham inquired if there were any other questions, comments or concerns from Ms. King or the Board of Appeals. Ms. King stated she would like to have the pool for her grandson.

Chairman Oldham referenced Ms. Vennell's letter including a history of similar variances granted for swimming pools and the attachment indicating the proposed location where the pool would be installed. Chairman Oldham would like both the letter and attachment added to the record

With no further comments, Chairman Oldham closed the public hearing at 7:21 p.m.

#### **Case A-2015-04-V**

Ms. Hardin stated it appears that the proposed location is the only location the pool could be installed. Ms. Hardin stated she viewed the property and there is just enough room for the proposed pool in the specified location. Ms. Hardin provided some additional pictures of the property for the Board of Appeals. Ms. Hardin also reported she researched the proposed pool among others and the proposed pool appears to be the smallest pool available. Ms. Martino added the south side of the property is primarily the residence driveway.

Ms. Martino motioned to approve the 9 foot rear yard and 9 foot north side yard variance for the pool to be located at 102 Pennsylvania Avenue, North East Maryland with the condition the pool be installed as presented on the diagram submitted with the application.

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

**-REPORTS-**

None.

**-MISCELLANEOUS-**

Ms. Fye inquired about 23 North Main Street variance granted May 2014 as there has been no activity. Ms. Rhoades stated the variance expired May 23, 2015 and the property owners will be sent a letter confirming the expiration of the previously approved variance.

**-NEXT MEETING-**

Chairman Oldham cancelled the June 25, 2015 meeting, as there are no agenda items.

**-ADJOURNMENT**

Ms. Fye made a motion to adjourn the meeting at 7:38 p.m. Ms. Hardin seconded the motion and the motion was approved by all.

Respectfully submitted:

Lisa Rhoades  
Planning and Zoning Assistant

Attest:

Gabrielle D. Oldham  
Chairman