

NORTH EAST BOARD OF APPEALS
North East Town Hall / 106 South Main Street
Thursday, May 24, 2018
7:00 P.M.

Chairman Gabrielle Oldham called the meeting to order at 7:00 P.M. Present for the meeting included members, Peg Hardin, and S.J. Anderson. Also in attendance were Betsy Vennell, Director of Planning, Dennis Clower, Town Attorney, and Lisa Rhoades, Planning and Zoning Assistant

-MINUTES-

June 22, 2017

Ms. Anderson made a motion to approve the minutes as presented with a change in wording submitted by Chairman Oldham. Ms. Hardin seconded the motion and the motion was approved by all, as amended.

-COMMENTS FROM THE PUBLIC-

None.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Election of Vice Chairman

Chairman Oldham made a motion to elect Ms. Peg Hardin as Vice Chairman. Ms. Anderson seconded the motion and the motion was approved by all

Public Hearing

Chairman Oldham opened the Public Hearing at 7:06 P.M.

Ms. Lisa Rhoades read into the record a correction to the agenda posted in the Cecil Whig. The variance case numbers stated in the newspaper were incorrect. The correct case number for the North East Elementary School is A-2018-01-V and the correct case number for the Bay Venture Outfitters Buffer is A-2018-02-V.

Ms. Oldham reported that the Board of Appeals has a quorum however, since there are only three members, if one board member is not in favor of approving a case, the application cannot be approved. Chairman Oldham inquired if both applicants wished to continue with their cases or if they desired to wait until next month when more members can be present. Both applicants agreed to have their cases heard before the board this evening.

Case A-2018-01-V: A Variance application filed by Brian Morgan, 17 Open Meadow Court, Elkton, Maryland. Property Owner: Cecil County Board of Education, 201 Booth Street, Elkton, Maryland. Applicant proposes to obtain a 15' foot front yard setback variance from the 25' foot

requirement, for the purpose of installing a new student drop-off/pick-up area and overflow parking lot, fronting Thomas Avenue. Also found on Tax Map 401; Parcel 27. Zoning District: "R-1" Single Family Residential.

Ms. Kimberly Dacey, certified court reporter swore in the applicant Brian Morgan, 17 Open Meadow Court, Elkton, Maryland and Perry Willis, Cecil County Board of Education. Chairman Oldham inquired if Mr. Morgan would like the application entered into the record. Mr. Morgan replied yes.

Mr. Morgan stated that over the years the North East Elementary School had a previous agreement with the adjacent cemetery and the North East Fire Company due to the overflow vehicles from the student drop-off/pick-up. The cemetery and the North East Fire Company will no longer permit the use of their property for overflow vehicles for the picking up and/or dropping off of students. Mr. Morgan added that the parking around the school barely accommodates the faculty.

Mr. Morgan stated he met with the town planning office and Chief Hamilton of the North East Police Department regarding possible solutions. The school is located in a Single Family Residential neighborhood and is operating under a Special Exception. The school is also located on a corner parcel, therefore it is subject to two front yard setbacks. Mr. Morgan stated for these reasons the school would like to create a new parent drop-off and pick-up as well as add some additional parking, however, to do so, a 15' foot setback variance would be necessary. Mr. Morgan reported that the proposed site plan shows that there would be an addition of 25 parking spaces and a loop for parent drop-off and pick-up near the cafeteria entrance where students enter and exit the school.

Ms. Hardin asked whether the proposed trees on the site plan, are a landscape buffer. Mr. Morgan stated there are landscaping requirements for this project and he is proposing to install 3 ½" caliper canopy trees. Mrs. Vennell added that the landscape buffer regulations per Article 12-9 of the North East Zoning Ordinance requires a row of street trees as a buffer yard from a collector or arterial roadway. The requirement states one street tree for every 50 feet of road frontage and at the time of installation the shade trees shall be a minimum of 2.5" caliper with branching beginning at a minimum of six feet above grade. Mrs. Vennell stated her letter to the North East Board of Appeals dated May 8, 2018 referenced a previous case for Victoria Park Apartments. This variance was approved and the North East Board of Appeals required the applicant to install 4" canopy trees. The Planning Office recommends that every 50' feet a tree be installed and the trees be a minimum of 3-4" in caliper. The Board of Appeals concurred.

Chairman Oldham inquired if there were any overhead utilities in the proposed location and how far from the sidewalk will the trees be installed. Mr. Morgan confirmed there were no overhead utilities in the location of the proposed construction and the trees will be installed approximately 5' from the sidewalk.

Mr. Morgan reported vehicles would enter the parking lot/loop off of Maryland Avenue and there would approximately 50 parking spaces in total after the addition.

Mr. Charles Luck, President, North East Cemetery, was sworn in. Mr. Luck stated he was in support of the proposed parking lot and due to the limited land the proposed parking lot seems to be the ideal solution.

There were no additional comments from the applicant or the public.

Case A-2018-02-V: A Variance application, filed by Kelly Benson, Bay Venture Outfitters, W. Church Point Road, North East, Maryland. Property Owner: Vestry of North Elk Parish, St Mary Anne's Episcopal Church, 315 South Main Street, North East, Maryland. Applicant proposes to obtain a 55 foot Buffer variance from the 110' foot Critical Area Buffer requirement for the purpose of installing a 192 square foot utility building to serve an existing kayak rental business. Also found on Tax Map 401; Parcel 0257. Zoning District: VM, Village Marine.

Ms. Dacey swore in the applicant Mr. Kelly Benson. Chairman Oldham inquired if Mr. Benson would like the application entered into the record. Mr. Benson replied yes.

Mr. Benson stated that he was the owner of a kayak and paddle board rental business, Bay Venture Outfitters, for the last 4 years. Mr. Benson found a permanent location to set up his business at the end of Church Point Road. The property owner of this location is Vestry of North Elk Parish, St Mary Anne's Episcopal Church. Mr. Benson stated that his business has done well in this location and has found that he is in need of some storage space. Mr. Benson has been using his pull behind trailer for storage however that is not a permanent utility building. The proposed location of the utility building is within the 110' foot Buffer and therefore Mr. Benson is requesting a 55' foot Buffer variance. The utility building needs to be in this proposed location as he would be storing equipment for the kayak and paddle board rentals. In addition Mr. Benson stated that the utility building will be vented and anchored per the North East Zoning Ordinance and will be installed by White Pine Structures who is experienced with venting and anchoring utility buildings.

Mrs. Vennell stated that the Chesapeake Critical Bay Area Commission sent a letter dated May 8, 2018 stating they do not object to the variance request. Mitigation for the Buffer variance is required at a 3:1 ratio and the applicant has agreed to meet this requirement by planting (3) 2 ½" caliper trees for a total of 600 square feet of mitigation.

Mr. Benson stated that the utility building will be a representation of his business and it will be nicely styled and the style has already been approved by the property owner.

Ms. Dacey swore in Mr. Lester Echman, adjacent property owner, North East Wharf Inc. Mr. Echman stated that Mr. Benson has cleaned up the site where he has been operating his kayak rental business and they couldn't be happier with having Mr. Benson as a neighbor. Mr. Echman stated he is in support of the utility building.

Mrs. Vennell stated that she had received an email from Mr. Sonny Tenney, Board of Appeals member who was unable to attend this meeting, who had no objections to the variance request.

The Public Hearing was closed at 7:42 P.M.

Case A-2018-01-V - Decision

Ms. Anderson stated that she felt all her concerns regarding the North East Elementary School parking lot have been addressed.

Ms. Hardin made a motion to approve the request for a 15' foot front yard setback variance from the 25' foot front yard setback requirement for the purpose of installing a new drop-off/pick-up area and overflow parking lot with the following condition:

- That if the proposed plan is approved by the North East Planning Commission the applicant provide planting of 7-8 trees with 3-4" caliper planted 50' feet apart and a possible extra tree planted to the east of the driveway entrance and all trees trimmed to a minimum of 7' feet above grade.

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

Case- 2018-02-V - Decision

Ms. Anderson reported that she thought the utility building may impede someone's site line of the river however, she made a site visit and confirmed that this would not be a problem.

Chairman Oldham reported that many years ago there was a store with a large parking lot on the site where Mr. Benson's kayak rental business is located and confirmed almost the entire area was impervious surface.

Ms. Hardin made a motion to approve the 55' foot Buffer Variance request from the 110' foot Buffer requirement for the purpose of installing a utility building with the following condition:

- the applicant adhere to the mitigation requirements as presented in the May 8, 2018 letter from the Chesapeake Bay Critical Area Commission.

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

-REPORTS-

26 South Main Street - Restaurant

Ms. Vennell reported that the Station 26 Ale House was closed. There is someone interested in opening a restaurant in this location. However, the new business owner would need a new liquor license as the previous business owner's liquor license was non-transferrable. A new Cecil County Alcoholic Beverage License Application requires a Special Exception from the Town. Ms. Vennell inquired if the Board of Appeals would be available to move their June 28, 2018 meeting to June 14, 2018 to accommodate the applicants. Ms. Rhoades will follow-up with the board on May 25th to confirm their availability.

Snatcher's Creekside Grill

Ms. Vennell reported that Snatcher's Creekside Grill has opened.

-MISCELLANEOUS-

None.

-NEXT MEETING-

The next Board of Appeals meeting date to be determined.

-ADJOURNMENT

Chairman Oldham made a motion to adjourn at 7:56 P.M. Ms. Hardin seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Gabrielle D. Oldham
Chairman