

**Board of Zoning Appeals
Town of Easton
Tuesday, March 7, 2017**

OPEN SESSION MINUTES

MEETING CALLED TO ORDER

Mr. Cotter called the regularly scheduled meeting to order at 9:00 a.m. Tuesday, March 7, 2017 in the Town Council Chambers in the Town Office Building.

In attendance were:

Board of Zoning Appeals Members:	Peter Cotter, Chairman, Gary Molchan, Vice Chairman and Charles Fitzgerald.
Staff:	Brett Ewing and Stacie Rice.

NEW BUSINESS:

BOZA Case No. V-743 – 512 Pleasant Place

Mr. Haley, Owner of the property was present at the meeting for property located at 512 Pleasant Place Easton, MD. Mr. Haley explained he is seeking a Variance of the required 30' rear setback to 18' 6" to allow the construction of a kitchen addition. Mr. Haley provided the Board an exhibit that depicts the surrounding properties in the vicinity with the existing dwellings relation to the rear property line. Almost all the surrounding properties encroach in the 30' setback.

Mr. Haley addressed the criteria as set out in Section 1303.5 C provisions for granting a Variance.

Upon consideration of all the evidence and testimony presented at the meeting, Mr. Cotter made a motion to approve the Variance request as submitted. The motion was seconded by Mr. Fitzgerald and carried on a vote of 3-0.

BOZA Case No. SE-784 – 510 Diamond Street

Kevan and Christine Full, Owners of the property were present at the meeting regarding property located at 510 Diamond Street Easton, MD. The property is located in the R-10A Zoning District. Mr. Full explained they are requesting permission to operate short-term housing from the subject property. Mr. Ewing explained the Town Council has passed two Ordinances to regulate such uses, one enacted changes to the Town's Housing Code and the other revised the Zoning Ordinance to regulate this use. Mr. Full explained they have converted an old corn crib on the existing property into a rental space. He said the room consists of one queen bed, bathroom, coffee maker, refrigerator and microwave. He stated they use a web based service to obtain their customers. He stated they are not open in the winter and to date and have had 115 evenings with guests. They have not had any issues with any of the guests. The parking is for one (1) vehicle only. The Full's stated they have all licenses required to operate the rental and all accommodation taxes are paid.

Maureen Scott-Taylor neighbor of the Full's stated that the Full's are great people and she has never experienced any issues with the Full's customers.

Mrs. Full addressed the criteria as set out in Article XIII, Section 1303.5 B 6 provisions for granting a Special Exception.

Upon consideration of all the evidence and testimony presented at the meeting, Mr. Fitzgerald made a motion to approve the application subject to the applicant satisfying the rental housing requirement. The motion was seconded by Mr. Molchan and carried on a vote of 3-0.

BOZA Case No. SE-787 – 102 Marlboro Avenue

Bill Stagg with Lane Engineering and Mr. and Mrs. Tuthill, Owners of Hearthstone were present at the meeting regarding property located at 102 Marlboro Avenue Easton, MD. Property is located in the CG Zoning District. Mr. Cotter recused himself from voting on the application but ran the meeting. Mr. Stagg explained he is before the Board with a request to construct a 4,563 square foot addition to the existing fitness center. Mr. Stagg stated he is requesting to modify existing Special Exception #745 to allow for a 4,563 sf addition on the subject lands. At the February 16, 2017 Planning Commission meeting, the applicant requested a parking waiver of 18 spaces. The applicant presented a parking analysis depicting peak customer hours. Upon review and discussion, the Commission granted the waiver requiring only 40 spaces. Mr. Stagg explained that the owners are hoping for a 25% increase in business due to the expansion. They do not anticipate any traffic/parking impacts due to the expansion. Mr. Tuthill has contacted the shopping center owners across Marlboro Avenue to seek permission to park construction vehicles in the parking lot during construction. To date, Mr. Tuthill has not heard back from the shopping center. The Board asked Mr. Tuthill if he has contacted PNC Bank in regards to overflow parking. Mr. Tuthill stated that he has not had the need for overflow parking and parking is not an issue.

Public Comment

Mr. Trip - Member of Hearthstone – Stated he has been a member for almost 2 years. He stated that Hearthstone is a Community oriented business. Never had a problem finding a place to park.

Zach Smith with Armistead, Lee, Rust and Wright on behalf of his client Marlboro Plaza Business Trust stated his client is not against Hearthstone and is not objecting the expansion of the business. Mr. Smith stated that he feels the parking is inadequate with the addition as proposed. He is concerned about overflow parking of Hearthstone parking on his client's property which is located directly to the rear of the subject property. Mr. Smith stated that there is a 30' wide access easement through the Hearthstone parking lot to benefit the lands to the rear.

Mr. Smith explained he has filed an Appeal of Easton Planning & Zoning Commission and Town Planner decisions regarding a parking waiver request and site plan review. Mr. Ewing stated the Appeal is a separate issue and the Board can still vote on the Special Exception.

The Board asked Mr. Smith if his client has had any issues with Hearthstone parking on their property and Mr. Smith stated there has not been any issues. Mr. Smith stated there are no definitive plans to develop the property behind Hearthstone. Mr. Tuthill stated he

has had conversations with Mr. Whelan (Marlboro Plaza Business Trust) owner of the adjacent property and the possibility of purchasing it. He stated that Mr. Whelan increased the price and made it impractical for Hearthstone to purchase. Mr. Stagg explained that Mr. Whelan proposed a building that wasn't approved. He stated that the vacant lot is not a viable commercial lot for building.

The Board decided to table the request until the appeal matter has been resolved.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 a.m.

Stacie S. Rice

Submitted by