

**Board of Zoning Appeals
Town of Easton
Tuesday, January 12, 2016**

OPEN SESSION MINUTES

MEETING CALLED TO ORDER

Mr. Cotter called the regularly scheduled meeting to order at 9:00 a.m. Tuesday, January 12, 2016 in the Town Council Chambers in the Town Office Building.

In attendance were:

Board of Zoning Appeals Members: Peter Cotter, Chairman, Gary Molchan and Charles Fitzgerald.

Staff: Lynn Thomas, Brett Ewing and Stacie Rice.

The Board voted unanimously to approve the December 1, 2015 minutes as written.

NEW BUSINESS:

BOZA Case No. SE-771 – 350 N. Aurora Street

Timothy Case, Treasurer with Easton Baptist Church was present at the meeting regarding property located at 350 N. Aurora Street Easton, MD. The property is located in the CG Zoning District. The owner of the property is Compass Properties, Inc. Mr. Case explained he is seeking a Special Exception to establish a House of Worship in an existing nonresidential space. Mr. Case stated the Church was established over a year ago. He stated that they currently meet at the Comfort Inn. He stated that the congregation has grown and is looking for a larger more established location. He stated that access to the building would be via the rear of the building. Church services are held on Sundays (morning and evening) and Wednesday (evenings). They feel there is appropriate parking on the rear of the site. Current membership is approximately 20.

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

Tim Bishop, Adjacent property owner was concerned with adequate parking on site.

Upon consideration of all the evidence and testimony presented at the meeting, Mr. Cotter made a motion to approve the Applicant's request for a Special Exception Motion conditioned on the applicant abiding by all parking requirement in the Code, building permits are required and the approval is for this applicant only and does not transfer to any future tenant/owner. The motion was seconded by Mr. Molchan and carried on a vote of 3-0.

BOZA Case No. SE-772 – 7716 Ocean Gateway

Ryan Showalter with Miles & Stockbridge, Sean Callahan with Lane Engineering and Andrew Churner were present at the meeting regarding property located at 7716 Ocean Gateway Easton, MD. The property is located in the CG Zoning District. The property is owned by Estate of Frances Jean Schulte; Abbeymuff, LLC. Mr. Showalter explained he is seeking a Special Exception to modify original Special Exception (SE-680) to allow auto body work and outdoor storage of vehicles on

site. The applicant is proposing to use the building as an auto body/collision center. The applicant will need to store vehicles on the site. Mr. Showalter stated that all body work would be done inside the building. Mr. Churner explained he doesn't feel the noise will be an issue. Mr. Churner stated that the existing facility is not large enough for major car repairs. Mr. Showalter provided the Board with a Site Plan indicating the location of the storage area. He stated the facility would be for light repair and turnaround time is a couple of days. The outside storage is 8,000 square feet. The storage area will be screened from Route 50 with an 8' fence and landscaping. The access to the storage would be on the North and South ends. Mr. Callahan stated there is some landscaping at the rear of the site. He stated there is an existing fence. They plan to construct a new fence on the rear of the site on the parking lot. Mr. Callahan stated that no chemicals or flammables will be stored outside. Other than vehicles nothing else will be stored outside. Mr. Showalter stated that Caliber Collision is willing to construct a vinyl 6' privacy fence at the rear of the site to help screen the Cynwood Drive buildings. Rear fence would be located from the North West corner of the building to the north property line.

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

Public Comment

- Dr. Heaton – 556-B Cynwood Drive – Stated he is in opposition of the proposed use. Concerned with the outdoor storage. Concerned about the view from Cynwood to the rear of the building.
- Anthony Principi – Board of Hospice Foundation – He explained that Talbot Hospice is directly behind the Mr. Tire building. Concerned with what can be viewed from the Hospice building. He stated there is a healing garden that is right behind the facility. Concerned with the noise. Feels it would be a distraction to the Hospice facility.
- Mark Lewis, Owner of Lewis Auto Body – Stated there are 5 family owned body shops in the Town of Easton. The corporate collision center would hurt locally owned businesses.

At this point in the meeting, the Board entered into closed session to obtain advice from legal counsel.

Mr. Molchan stated that the property is located in a CG Zoning District along Rt. 50. He stated that he doesn't feel the noise will be an impact to the offices along Cynwood Drive. The Board feels a fence along the rear will go a long way with aiding the concerns with the doctor's offices and the Hospice House.

Upon consideration of all the evidence and testimony presented at the meeting, Mr. Cotter made a motion to approve the Applicant's request for a Special Exception conditioned on a privacy fence being constructed in compliance with the Town Code, applicant is to install landscaping requirement on front side of storage area, limiting of noise to the best of their ability and all repairs be done inside the facility. Motion seconded by Mr. Molchan and carried on a vote of 3-0.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 a.m.

Submitted by

Date