

**Board of Zoning Appeals
Town of Easton
Tuesday, July 29, 2014**

OPEN SESSION MINUTES

MEETING CALLED TO ORDER

Mr. Cotter called the regularly scheduled meeting to order at 9:00 a.m. Tuesday, July 29, 2014 in the Town Council Chambers in the Town Office Building.

In attendance were:

Board of Zoning Appeals Members:	Peter Cotter, Chairman, Gary Molchan, and Tom Moore.
Staff:	Lynn Thomas and Stacie Rice.

NEW BUSINESS:

Kathleen Smith, applicant was present at the meeting for property located at 314 Laurel Street Easton, MD. Ms. Smith is seeking a Special Exception to operate a massage therapy/acupuncturist business from her home. The property is located in the R10A Zoning District.

Ms. Smith explained she is requesting a special exception in order to establish an Acupuncture and Massage business from her home. She stated that the office would be open Monday through Friday; with business hours being 9:00 a.m. to 5:00 p.m. She stated there is ample off street parking as a driveway traverses the length of the property to the left of the home and can accommodate three to four vehicles. She stated she plans to use an existing bedroom in the home that is 13' x 17' for her business. Ms. Smith stated this is a startup business, and doesn't anticipate having more than three clients a day, which may extend to five or six as business builds. There would be an additional vehicle on the property and in the neighborhood once every hour and a half during peak operation and less as I build clientele. Ms. Smith has been a licensed massage therapist since 2009. She is currently in school to receive her acupuncturist license. Mr. Thomas stated that a home occupation is permitted via SE in the R-10A. The proposed use, as described, would certainly seem to fit within the parameters of the definition of "Home Occupation". Mr. Thomas also stated that per the Supplemental Standards the applicant would be allowed to have one full-time non-resident employee on the premises if approved by the Board of Zoning Appeals. Mr. Thomas stated that no more than twenty-five (25%) percent of the floor area of the dwelling including an attached garage may be utilized for the home occupation and not more than five (5%) percent may be used for storage of stock in trade. The area Ms. Smith is proposing for her business is approximately 221 square feet. Ms. Smith stated that the residential appearance will be maintained and she is not proposing any signage for the business. Ms. Smith also stated that she would like to share her home occupation spaces with Gayle Hamlin who is a licensed acupuncturist. Ms. Hamlin would rent the space from Ms. Smith to see clients. Ms. Smith stated that Ms. Hamlin and she would not see clients at the same time. Ms. Smith stated that Ms. Hamlin would be paid directly from his or her client. The issue of disposing of medical waste was discussed and Ms. Hamlin explained that all needles would go into a "Sharps" container and when full it is then mailed to a company that incinerates the needles. She showed the Board a copy of her State of Maryland license for acupuncture.

Public Comment:

- Willard Parker – On behalf of the Chapel Farms Home Owner’s Association asked Ms. Smith about her current massage therapy training and the time frame of getting her acupuncturist degree. Mr. Parker felt the Covenants and Restrictions for Chapel Farms prohibit professional office/trade from said home. He further stated that in 2006 the Covenants were modified. Mr. Parker stated that clients coming to Ms. Smith’s would use her bathroom room facilities and stated that clients may have to wait in her living room until their appointment time.
- Joanne Hubert – 300 Laurel Street – Asked Ms. Smith about her schooling and asked if she had a dog.
- Tim Mooney – 210 Chapel Farms Drive – Town doesn’t have the neighborhoods concerns in mind.
- Floyd Robinson – 318 Laurel Street – Feels adding another business to the neighborhood will affect the value of his home, not fair that the Town continues to allow businesses in his neighborhood.
- Debbie Dorr – Stated that Chapel Farms is a small subdivision (55 homes) and is concerned about who comes in and out of the neighborhood.

Ms. Smith 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, Member Cotter made a motion to approve the Applicant’s request for a massage/acupuncture business conditioned on Ms. Smith receiving her acupuncturist license and she must start the business within 24 months from today’s date.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:40 a.m.

Submitted by

Date