

**Board of Zoning Appeals
Town of Easton
Tuesday, January 17, 2017**

OPEN SESSION MINUTES

MEETING CALLED TO ORDER

Mr. Molchan called the regularly scheduled meeting to order at 9:10 a.m. Tuesday, January 17, 2017 in the Town Council Chambers in the Town Office Building.

In attendance were:

Board of Zoning Appeals Members: Gary Molchan, Vice Chairman, Charles Fitzgerald and Tom Moore, Alternate.

Staff: Lynn Thomas, Brett Ewing and Stacie Rice.

NEW BUSINESS:

BOZA Case No. SE-785 – 717 Goldsborough Street

Kristi Shaw, Contract Purchaser was present at the meeting regarding property located at 717 Goldsborough Street Easton, MD. Property is located in the CG Zoning District. Ms. Shaw explained she is before the Board with a request to operate a yoga and Pilate's studio, chiropractic office, spa services (massage, facials). She stated that the building is 2,400 square feet. Ms. Shaw explained she would have three to four employees at one time. The Chiropractic Office is open two days a week. She stated they have provided twelve parking spaces. She feels this is adequate, but also stated that she has permission from the Country School and Easton Cycle and Sport to park in their parking lots when they are not operating. The Staff had concerns about the maneuverability of the proposed angled parking.

Ms. Shaw 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 obtaining Building /Occupancy Permit required by the Town and with the understanding that additional parking (off-site) has been provided for. The motion was seconded by Mr. Moore and carried on a vote of 3-0.

BOZA Case No. V-742 – 410 Cherry Street

Mr. Smith, Attorney with Armistead, Griswold, Lee & Russ and Mark Higgins, Owner were present at the meeting for property located at 410 Cherry Street Easton, MD. Mr. Smith explained he is before the Board requesting two Variances: (1) a Variance to increase the permitted density within the R7A Zoning District, and (2) a Variance of the minimum lot size standards in the R7A Zoning District. He stated that his client is proposing to subdivide the lot of record into two lots. Mr. Smith stated there is an existing single family house on the lot. Mr. Smith explained that the permitted density is 3.5 units per acre and the minimum lot size is 7,500 sf. Mr. Higgins stated that the subject property is surrounded on all sides by residential uses. Mr. Smith stated that the existing lot of record is 10,194 square feet or .234 acres. At 3.5 units allowed per acre, the size of the existing property allows only the one unit. Mr. Smith provided an exhibit that depicts the density and lot sizes of existing development of the surrounding properties.

Mr. Higgins stated he is proposing to construct a single family house (Cottage Style) facing Cherry Street. Mr. Higgins stated that due to limited parking spaces and congestion along Cherry Street, he is proposing a driveway off the rear alley to alleviate parking on the street.

Public Comment

- *Al Silverstein* - President of the Dixon Square HOA. In favor of a front loaded house and parking in the rear.
- *Jean Heckmer* - Owns property across the street, concerned about parking on Cherry St. Was favorable to a driveway in the rear of the property.

Mr. Smith 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. Moore made a motion to approve the request with a stipulation that the parking be in the rear, asked that the front facade have a covered entry and gable (front loaded). The motion was seconded by Mr. Fitzgerald and carried on a vote of 3-0.

Appeal 16-01 - 316 August Street

The owners of the property are Lad and Christina Mills. Mr. and Mrs. Mills are before the Board appealing a decision made by the Town of Easton Rental Housing Inspector in Case No. 16-0589. Ms. Daphne Cawley and Ray Grodecki alternate Board Members for Appeals were present at the meeting. Mr. Mills stated that the Town of Easton did a rental inspection at his home at which time it was discovered that the ceiling height was not in compliance with the Minimum Livability Code. Mr. Mills stated to meet the requirements he would have to tear out the existing ceiling which would be an extensive renovation and be very costly. He also stated this would result in displacing his tenant. Mr. Mills stated that fixing the steps would alter the historic integrity of the house. Mr. Mills stated he was never informed and unaware of the process to request a waiver of the Minimum Livability Code but would officially like to make this request to allow for a ceiling height of 5' 10" from the required 6' 8". The Board asked the Town Attorney who was present if they had the authority to grant the requested waiver. Mrs. VanEmburch stated she believed the request from the applicant is beyond the threshold the Board has the authority to grant. Upon discussion the acting Chairman, Mr. Molchan explained to the applicant that the Board has no authority to grant a waiver.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 a.m.

Stacie S. Rice
Submitted by