

**Board of Zoning Appeals
Town of Easton
Wednesday, April 10, 2013**

The Board of Zoning Appeals met in open session at 9:00 a.m. in the Town Council Chamber in the Town Office Building. In attendance were Board Members Peter Cotter, Gary Molchan, Doris Mason and Tom Moore.

OPEN SESSION MINUTES

MEETING CALLED TO ORDER

Chairman Cotter called the regularly scheduled meeting to order at 9:00 a.m. Wednesday, April 10, 2013.

In attendance were:

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

NEW BUSINESS:

BOZA Case No. V- 321 – 312 Dutchmans Lane

Applicant, Palmer Gillis, was present at the meeting for property located at 321 Dutchmans Lane (former Cadmus building) Easton, MD. Mr. Gillis is seeking Variances to allow him to: 1) install a total of 1,000 square feet of wall signage on the subject buildings where a maximum of 200 square feet of wall signage is ordinarily permitted; and 2) to install multiple wall signs on the subject buildings where a maximum of 1 wall sign is ordinarily permitted. Mr. Gillis does not feel small individual wall signs or just directory-type signage would be appropriate. He is proposing one monument sign for the entire building.

Public Comment

- **Carol Waskins**- S. Aurora Street – Signage should be compatible with existing signage on Idlewild Avenue. Information on the signs is vague.
- **Bonnie Joya**- S. Aurora Street – Wants the complex to remain tasteful and compatible with the rest of Idlewild Avenue.
- **Paul Weber**- 514 S. Aurora Street – Property backs up to the Cadmus building and is concerned with the amount of signs and lighting.
- **Ian Hall**- 506 S. Aurora Street – Property backs up to the Cadmus building. Concerned about lighting of signs and parking lot lighting, hours of operation, and construction timing.
- **Tracy Jordon**- Commended the applicant for the work on the Cadmus building.

Mr. Gillis addressed the criteria as set out in Section 1101.6 B (1) provisions for granting a Variance.

Upon consideration of all the evidence and testimony presented at the meeting, Chairman Cotter made a motion to approve the request as shown for elevations A, C and D only with remaining

signage to comply with Ordinance. This motion died for lack of a second. Thereafter member Molchan made a motion to approve the applicant's request, subject to the signs on elevations B and E not being internally illuminated. This motion was approved by a vote of 2-1, with Chairman Cotter voting against.

BOZA Case No. A-69 – 335 N. Washington Street

Present at the appeal hearing was Bruce Armistead representing Randy and Susan Walbridge. They are before the Commission for an appeal of the Code Official's determinations as they relate to 335 N. Washington Street, a rental property. Also present were Sharon VanEmburch, Town Attorney as well as Don Richardson, Building Official and Jackie Naylor, Code Official for the Town of Easton.

Mr. Armistead stated the applicant filed the appeal from the January 31, 2013 inspection notice issued by Jackie Naylor, Code Enforcement Officer. Mr. Armistead stated that the order to modify the ceiling height or abate the use of the rental unit that has been occupied as a rental unit for approximately fifty (50) years is arbitrary, capricious and unsupported by material fact. They specifically contend that there is no evidence that a ceiling height ranging from 8" to 10" below the minimum required by the International Building Code presents a health or safety issue for the occupants or makes the rooms "unfit for human occupancy".

Mrs. VanEmburch stated the subject property contains two (2) rental units and is, therefore, subject to the Town's rental licensing and inspection program pursuant to Chapter 14, Article II of the Town Code. She stated that the State of Maryland adopted a Minimum Livability Code. The Minimum Livability Code Incorporates and adopts the property standards set forth in the 2009 International Property Maintenance Code ("IPMC"). The Town adopted Ordinance 569 to adopt the 2009 International Property Maintenance Code. Neither the State provisions nor Ordinance 569 contain provisions to grandfather existing structures from having to comply with the requirements of the Minimum Livability Code and/or the 2009 IPMC.

Mr. Walbridge is not appealing any of the corrections in the Notice of Correction for Apartment 1 and is only appealing the Minimum Ceiling Height with respect to apartment 2.

Mrs. VanEmburch stated that Section 404.3 of the IPMC provides that "habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms, and habitable basement areas shall have a clear ceiling height of not less than 7 feet" Apartment 2 has ceiling heights that measure 6' 4" and 6' 2", which is less than the 7 feet required.

Following the close of the hearing the Board made and approved a motion to enter into closed session for Advice of Legal Counsel. Thereafter upon consideration of all the evidence and testimony presented at the meeting, Member Molchan made a motion to uphold the decisions of the Code Official/Town of Easton. The motion carried on a vote of 2-1, with member Mason voting against.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:20 p.m.

Submitted by

Date