



**Town of Easton Board of Zoning Appeals
Final Decision Summary**

Tuesday, September 17, 2024 at 9:00 a.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton, Maryland

Archived video of the meeting is available at:
[Town of Easton Agendas and Minutes](http://eastonmd.gov)
 [\(eastonmd.gov\)](http://eastonmd.gov)

Attendance:

Board Members:

Peter Cotter, Chairman
Gary Molchan, Vice Chairman
Zakary A. Krebeck
Paul Weber, Alternate

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner - Long Range
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Town Planner - Current
Sharon Van Emburgh, *Esq.* Town Attorney
Aaron Cooper, *Esq.* Legal Associate
Samantha Smith, Administrative Specialist

1. Call to Order — Chairman Cotter called the meeting to order at 9:00 a.m.

2. Decision Summary Review —

**Vice Chairman Molchan moved to approve the August 20, 2024 Decision Summary.
Board Member Krebeck seconded the motion.**

<u>Vote</u>	<u>3 - 0</u>
FOR:	3 - Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

3. Applications —

a. File No.: V - 1280 / V 24 - 08
Applicant: Michael and Denise Ziegler
Location: 7279 Kathy Street, Easton, MD 21601

Tax Map 0108, Grid 0000, Parcel 2777L, Lot 1

Zoning: R-10A

Request: The applicant is requesting a Variance from Section 28-1001.2.K of the Town of Easton's Zoning Ordinance; the minimum setback requirement from any street line, sidewalk, or property line for residential parking or maneuvering space within three (3) feet of the side property line. The Applicant is seeking to relocate the existing driveway and retaining wall that currently encroaches onto the neighboring property at 7280 Kathy Street. The proposed off street parking space and retaining wall will be constructed with a zero (0) foot side setback from the property line.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Michael and Denise Ziegler

Public Comment:

Stanley Kosick, 7280 Kathy Street

Public Comment Written— None

Chairman Cotter moved to approve the Variance request as submitted. Board Member Krebeck seconded the motion.

<u>Vote</u>	<u>3 - 0</u>
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FOR:	3 - Cotter, Molchan, Krebeck
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AGAINST:	0
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ABSTAIN:	0
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ABSENT:	0
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b. File No.: SE - 1267 / SE 24 - 08

Applicant: 350 North Washington Street Investments LLC

Location: 350 N. Washington Street, Easton, MD 21601

Tax Map 0103, Grid 00EA, Parcels 0513 & 0514

Zoning: CB

Request: The Applicant is requesting a Special Exception pursuant to Section 28-201 of the Zoning Code (Table 2.1 (1) (105)) to be utilized as a Multifamily Apartment Complex* in the CB - Commercial Business zoning district. The Applicant is seeking to redevelop the property to include a 14,326 square foot, two-story multifamily residential apartment complex with sixteen (16) units.

Staff recommends the following conditions:

1. A photometric plan shall be submitted to staff for review and approval during the building permit review process.
2. Construction shall be begun or completed, or both within three (3) years after the date the Special Exception is granted.

Background: This application (2024 - 1260) is scheduled to appear on the September 19, 2024 Planning Commission agenda to request Sketch Site Plan approval for this project.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Brendan Mullaney, *Esq.*, McAllister, DeTar, Showalter & Walker LLC

Brett Ewing, Lane Engineering

Mike Lenhart, Lenhart Traffic Consulting

- i. **Oath to Testify** — Chairman Cotter called for all witnesses to declare and affirm under penalty of perjury that he or she solemnly swear to testify truthfully before the Board.

- ii. **Opening Statement** —

1. Applicant Opening Statement — Mr. Brendan Mullaney, *Esq.* addressed the board on behalf of 350 North Washington Street Investments LLC with a brief introduction to the nature of the Special Exception request (*Applicant Exhibit A*); highlighting the prior record of commercial uses of the subject property, and the potential commercial uses that are permitted by right within the CB - Commercial Business zoning district (*Applicant Exhibit B*). In consideration to feedback received from the public prior to the hearing, Mr. Mullaney presented a minor revision to the Sketch Site Plan that included the elimination of a single on-street parking space in order to significantly improve visibility at the intersection of N. Aurora Street and N. Washington Street.

- iii. **Testimony** —

1. Mr. Mullaney called Mr. Michael Lenhart of 645 Baltimore Annapolis Boulevard to testify, and requested that he be accepted as an excerpt witness for traffic engineering and transportation planning. There were no objections.

Mr. Lenhart presented the findings of a Traffic Impact Analysis as prepared on August 9, 2024. The scope of intersections that were studied included: N. Washington Street at Aurora Street, N. Washington Street at subject property access, and Aurora Street at Aurora Park Alley. Noteworthy roads in the study area included N. Washington Street, Aurora Street, Wrightson Avenue, and the Aurora Park Alley. Mr. Lenhart testified to the anticipated site trip generation for the proposed redevelopment; finding that the proposed use would add 0.3% in both the morning and evening weekday peak hours, and 0.2% in the total weekend peak hours.

a. Public Questions for the Witness:

Jason Wilford, 345 N. Washington Street

Jeff Rob, 340 N. Washington Street

Kathy Mothershead, 342 N. Washington Street

2. Mr. Mullaney called Mr. Brett Ewing of 117 Bay Street to testify, and requested that he be accepted as an expert witness on site design and land use planning. There were no objections.

Mr. Ewing described his role as a senior Planner on this project, and reviewed the minimum site and stormwater facility requirements for the subject property; highlighting the elimination of one (1) parking space on the revised Site Plan in order to improve sight line visibility along N. Washington Street (*Applicant Exhibit D*). Mr. Ewing also spoke to the proposed use of the subject property and its surrounding uses (*Applicant Exhibit C*), and testified that the proposed use is consistent with the design and performance standards of the Easton Comprehensive Plan, and would not adversely affect the general welfare of the surrounding area (*Applicant Exhibit E*).

a. Public Questions for the Witness:

Kathy Mothershead, 342 N. Washington Street

iv. Public Comment — Chairman Cotter opened for public comment.

1. Public Comment:

Jeff Roth, 340 N. Washington Street

Jason Wilford, 345 N. Washington Street

Kathy Mothershead, 342 N. Washington Street

2. Public Comment Written:

Kathy Mothershead, 342 N. Washington Street
Sheila Lawson, 418 N. Washington Street
Lyndy Galan, 10 Sycamore Avenue
Barb Jefferson
Colby Ball
Sharen and James Apple, 503 Hazelwood Drive
Lia Plaskon
Lauren Rosales, 612 Hardin Street
John Perkinson
Sam Plaskon
Ruth Jensen
George Fold, 347 N. Washington Street
Thomas and Tammy Hickey, 110 Sycamore Avenue
Peggy J. Ford
Maureen Curry
Nicholas Ewing
Carolyn Lane
Patty Quimby, 203 Willis Avenue

v. Closing Testimony —

1. **Applicant Closing Statement** — Mr. Mullaney concluded all expert testimony. In his closing remarks, Mr. Mullaney cited the findings of case law *Schultz v. Pritts*, 291 Md. 1, in which it was determined that Special Exceptions uses are presumed to be valid. In consideration to the standards set by Maryland statutes, and the provided testimony of expert witnesses, Mr. Mullaney asked for the Board to approve the Special Exception request as presented.

vi. Board Deliberation for Special Exception SE - 1267 / SE 24 - 08

Chairman Cotter moved to approve the Special Exception request with the following conditions:

1. **The Applicant shall submit a photometric plan for staff review and approval during the building permit review process.**
2. **Construction shall begin or shall be completed, or both within three (3) years after the date that the Special Exception is granted.**

Board member Krebeck seconded the motion.

Vote	3 - 0
FOR:	3 - Cotter, Molchan, Krebeck
AGAINST:	0

235 ABSTAIN: 0
236 ABSENT: 0

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239 **4. Discussion Item** — None

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242 **5. Adjournment** — Chairman Cotter motioned to adjourn. Board Member Krebeck
243 seconded. The meeting was adjourned at 10:45 a.m.