

NORTH EAST BOARD OF APPEALS
North East Town Hall / 106 South Main Street
Thursday, October 27, 2022
7:00 P.M.

Chairman Maurice Tenney called the meeting to order at 7:03 P.M. Present for the meeting included members, S.J. Anderson, and Martha Kline (via ZOOM). Also in attendance were David Beste, Town Attorney, Betsy Vennell, Director of Planning, and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie, Zoning Administrator was absent from the meeting.

-MINUTES-

February 24, 2022

Ms. Anderson made a motion to approve the minutes with minor corrections. Mrs. Kline seconded the motion and the motion was approved by all.

-COMMENTS FROM THE PUBLIC-

None.

-PUBLIC HEARING-

Chairman Tenney opened the public hearing at 7:01 P.M.

Case A-2022-03-V: A Variance application has been filed by Greenman-Pedersen, Inc., North East, Maryland. Property Owner: DK North East Station, LLC, 1777 Reisterstown Road, Baltimore, Maryland. Applicant has requested a (25') twenty-five foot front yard setback variance from the required (40') forty foot front yard setback for the purpose of accommodating 498 square feet of parking. Also found on Tax Map 31; Parcel 1314; Lot 1. "HCOB" Highway Corridor Overlay District. Zoning District: HC, Highway Commercial.

Mrs. Vennell read the variance case into the record.

Ms. Ann Lavoie, court reporter, swore in the applicants, John Sabatino and Brian Morgan of Greenman-Pedersen, Incorporated, North East, Maryland and Matthew Allen, Director of Development for Klein Enterprises, Baltimore, Maryland.

Chairman Tenney inquired if the applicants would like the application to be part of the record and Mr. Morgan replied yes.

Mr. Sabatino gave a brief overview of the concept site plan for proposed construction of a new building located within the existing North East Station shopping center. The new building would be constructed on Lot 1 which is located in the northwest corner of the shopping center and is currently a vacant lot. The new structure will be built for a Chipotle Restaurant. There will be a drive lane (Chipotle Lane) around the building for picking up orders made online and in addition there will be 30 parking spaces. The zoning ordinance requires only 27 parking spaces. Mr. Sabatino stated they are seeking variance of 498 square feet of parking spaces within the front yard setback. Mr. Sabatino reported the variance is due to the angled property line to accommodate the shopping center entrance. In addition, there is additional buffer space along the front of the property. The required front yard setback is 40 feet and Mr. Sabatino stated they would like to request a variance to reduce the setback to 15 feet to accommodate the parking. In addition to the required landscape they propose to install two large caliper canopy trees.

APPROVED

December 8, 2022

Ms. Anderson inquired where the front of the building would face and Mr. Sabatino replied Route 40. Ms. Anderson also inquired if there will be additional grading and where the trash receptacle would be located. Mr. Allen replied that they do plan on pushing the slope out a little further and they will be adding a retaining wall on the west side of the lot which will wrap around the front corner of the lot slightly. Mr. Allen also used the site plan to show where the trash receptacle would be located and that it would face the wooded side of the lot, not the entrance to the shopping center. Mrs. Kline inquired about the drainage and storm water run-off. Mr. Sabatino replied that the storm water will continue to run off away from the shopping center toward the wood line as it currently does.

Mrs. Vennell inquired if the reason they could not move the building further South was due to the storm water infrastructure. Mr. Sabatino and Mr. Allen concurred and added that they did not want to disturb the existing shopping centers storm water system as it is working well.

With no further comments Chairman Tenney closed the hearing at 7:17 PM

Discussion and Motion

Attorney Beste stated there is a necessity to have a consensus of 3 board members to carry a vote per North East Zoning Ordinance Article 9, Section 9-9 Voting, paragraph 1.

(1) The concurring vote of three members of the Board membership shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, Planning Commission or Town Administrator, as may be the case, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance.

The Board agreed that the proposed construction is in harmony with other businesses. Chairman Tenney inquired if there were any additional comments and there were none.

Ms. Anderson made motion to grant conditional approval for the requested (25) foot variance from the front yard setback requirement of 40 feet subject to:

- Two large caliper canopy trees being planted on the lot or within the shopping center, which are in addition to the required landscaping.

Mrs. Kline seconded the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-NEW BUSINESS-

None.

-REPORTS-

None.

-MISCELLANEOUS-

None.

-NEXT MEETING-

APPROVED

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The next Board of Appeals meeting is scheduled for November 17, 2022.

-ADJOURNMENT-

Mrs. Kline made a motion to adjourn the meeting at 7:20 P.M. Mrs. Anderson seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Maurice Tenney
Chairman

APPROVED
December 8, 2022