

**TOWN OF INDIAN HEAD  
BOARD OF ZONING APPEALS  
Village Green Pavilion  
PUBLIC HEARING #BZA201401  
April 30, 2014**

Chairman Edward Joell called Public Hearing #BZA201401 to order at 5:16 p.m. Mark Ely, Daniel Ely, and Gillian Green were present to request a special exception for a contractor's storage yard at 4501 Indian Head Highway. Those in attendance were:

Chairman Edward Joell  
Rose Chase  
Rickie Posey  
Andrea Brady, Town Clerk  
Fred Sussman, Town Attorney  
Richard Parks, Town Zoning Administrator

The application and fee were received on April 1, 2014. Notice for the Public Hearing was published in the Maryland Independent on April 18, 2014. Certified letters were sent to adjoining property owners on April 14, 2014. The applicant was notified of the date time and place of the hearing on April 14, 2014. The sign for the public hearing was posted on the property at 4501 Indian Head Highway on April 21, 2014. Town Attorney Fred Sussman administered the Oath to Mark Ely, Daniel Ely, and Gillian Green.

Daniel Ely began by telling the Board that they own the property as result of his father's passing. The Ely's are requesting a special exception to use the property at 4501 Indian Head Highway as a contractor's storage yard. The contracting company would be a short term tenant for nine months to a year and a half. The company has been contracted by the Navy base to install gas lines which the Ely's feel would be beneficial to the Town since residents as well as businesses will have the opportunity to connect to the lines.

Chairman Joell asked Town Clerk Brady what adjacent properties had been notified of the request for special exception. Town Clerk Brady stated that Mr. Wheeler and Mr. Hare had been notified. Daniel Ely stated that there were no properties adjacent to the property that was not owned by the Ely family. Mr. Ely and Ms. Green explained that the storage area would be on the property directly behind the law office; therefore the adjacent properties are the parking area, and the wooded area behind the property, both of which are owned by the Ely family.

Mr. Ely expressed a desire to forge collaborations in an effort to bring economic development back to Indian Head.

Chairman Joell asked the Town's Zoning Administrator, Richard Parks to make a presentation on behalf of the Town. Mr. Parks stated that he had developed a report that was provided to the Board and it is his finding that their proposal seems consistent with the conditions of the zoning ordinance and the comprehensive plan. Mr. Parks main

concern is the appearance of the property since it is in the highway overlay. Mr. Parks asked if the contractor has plans to put up a fence or some type of screening.

Mark Ely stated that the family took the boards down at the property to improve the appearance. Ms. Green showed Mr. Parks and the Board a picture on her cell phone of the screening the contractor has put up at their current staging area. Daniel Ely stated that they have spoken with the contractor previously and he is willing to put up a screen.

Mr. Parks asked the Town attorney Fred Sussman if it was possible to approve the request on a temporary basis since the property is in the highway overlay and for it to be a permanently permitted use there would be further requirements for screening. Mr. Sussman stated that it is possible to approve the request on a temporary basis since the length of time can be a condition in the resolution. Mr. Ely stated that they would be willing to have a temporary approval as long as it was for the extent of the project. The family would not want the approval to expire before the project has been completed. Chairman Joell asked Mr. Sussman if it would be possible to work it as "for the duration of the project". Mr. Sussman stated that it could be worded that way in the resolution.

Mr. Posey asked if the gas lines would be able to be tapped from both sides of the highway. Mr. Ely and Ms. Green were told that the gas line would be for the whole Town. Ms. Green was under the impression that the Town has already contracted with someone for the hook ups. Mr. Parks corrected that the Town has not contracted with anyone they have spoken with the company about the project. There are two 8" gas lines being put in along the south curb line through Town. One line is for the Navy, and the other line is for the Town.

Chairman Joell asked Mr. Parks to specify which section of the ordinance the Board is granting the exception for. Mr. Parks stated that it is section 10.220 of the use matrix, storage inside or outside completely Enclosed Structures specifically a contractor's yard.

There was no testimony opposing the applicant's request.

Chairman Joell asked the applicants if they had a closing statement. Daniel Ely stated that they just hope the exception will be granted. This is their first venture into Indian Head to do things on their own.

Chairman Joell stated that he is pleased to see something being done with the property and he hopes to see future development on the site. Mr. Ely stated that they are willing to put investments up and they have been speaking with the Sheriff's Department about use of 4421 Indian Head Highway.

Mr. Posey made a motion to close the hearing. Ms. Chase seconds the motion. Chairman Joell closed the hearing at 5:30pm.

The applicants asked for a time frame for a decision since the lease is set up for May 1. Mr. Sussman explained that while there were no rebuttals to the request it is now time for the board to deliberate, and they will have a decision before they leave. If the

request is approved they will not get the resolution until Mr. Sussman has time to write it, then the Board will reconvene to approve it.

Chairman Joell asked the other Board members if they saw any reason not to approve the request. Mr. Posey and Ms. Chase so no reason not to approve the request.

Chairman Joell asked Mr. Parks the reason he felt it would be a temporary approval. Mr. Parks explained that his concern is if it was to stay that use for years since it is in the highway overlay. Mr. Parks also requested that the screening the contractor will put up should be subject to Town approval.

Mr. Posey made a motion to approve the special exception with the stated conditions. Ms. Chase seconds the motion. Motion was approved as follows: 3 for, 0 against.

Chairman Joell asked Mr. Sussman to prepare the resolution subject to the conditions discussed, and welcomed the Ely family back to the Town.

Fred Sussman will prepare the resolution and email it to the Town Clerk to be distributed to the Board members for review and any comments. If there are no comments or changes, the Town Clerk will convene the Board to officially approve and sign the resolution.

There being no further discussion, Rose Chase made a motion to adjourn the meeting, and Chairman Joell seconds the motion. The meeting adjourned at 5:40pm.



Andrea Brady  
Town Clerk