

City of Cambridge

Department of Public Works
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Board of Appeals Minutes April 23, 2019

The Board of Zoning Appeals for the City of Cambridge met at 6:00 p.m. on Tuesday, April 23, 2019 in the City Council Chambers located at 305 Gay Street, Cambridge, Maryland.

Board Members in Attendance: Gaver Nichols, William Bishop, Ted Brooks, Chairman, and William Clyde, Vice-Chair.

Other representatives in Attendance: Herve Hamon, Planner 1; Kyle Kirby, Attorney;

Katie Clendaniel, Applicant

Chairman Brooks opened the meeting and there were no amendments to the agenda. He then issued a welcome and explained the order of the proceedings.

Approval of March 26, 2019 Minutes:

Review of March 26, 2019 minutes. Commissioner Clyde and Bishop asked to revise the minutes and provide more details about the discussion about dimensions, parking and traffic on Willis Street. Staff responded that the recording on tape would be revisited to confirm if anything was missing in the March minutes. Approval of the March 26 meeting minutes was tabled until the next BoA meeting.

Staff provided an update about the request of documentation from Zion Church regarding additional parking, in the context of BOA 2019-005, B7B at 314 Mill Street. Staff advised that after several unsuccessful attempts from the city to get answers from Mr. Harwood, the request was now in the hands of the McLeod Law Group, communicating directly with Mr. Dodd, attorney for Mr. Harwood. The information has not been received yet as of April 23, 2019.

Chairman Brooks introduced Kyle Kirby, attorney representative for McLeod Law Group, now replacing Patrick Thomas.

Chairman Brooks swore in those wishing to testify.

Regular Business:

BOA 2019- 007 / PZ 2019-008 Special Exception for a Farmers Market at Long Wharf

Staff made the following report:

- The City of Cambridge has had a Farmers Market for over ten years
- It was first located in the parking lot across from City Hall and then it moved to Long Wharf.
- The City Council at their March 11th, 2019 hearing approved the request to use City property pending the approval of the Special Exception.

- A monument sign with architectural base has been reviewed and approved by the Historic Preservation Commission on November 15, 2018 and complies with the City's UDC requirements (signs with permit, UDC section 6.5.6.1.a through d).
- The sign proposed is consistent with the marketing pamphlet distributed throughout town, and is located in a good strategic location (in the future, the back of the sign, blank for now, will be used to direct cruise ship visitors towards downtown businesses)
- Parking capacity has been reviewed by the Planning Commission, and deemed appropriate for this use
- The farmers Market is a benefit to the community and encourages the walkability of the city

Staff made the following recommendations:

- The temporary directional signs that are placed around town shall be installed the morning of the market operation and removed as part of the market break down.
- The Farmer's Market shall operate on Thursdays, from 3pm to 6pm, beginning April 25, 2019 and ending October 31, 2024, with set up time commencing at 1:30 pm and breakdown of the market to be completed by 7 pm maximum.
- The Special Exception permit is valid for 5 years (October 31, 2024), after which the applicant shall reapply to renew the Special Exception Permit.
- The applicant shall submit to the City (as administrative review) an application for the Seasonal Temporary Sales annually, upon which the applicant will indicate the exact dates of operation as they will vary each year.
- The property shall be maintained in an orderly manner to the satisfaction of City staff.

Applicant's input:

- The market manager is now a volunteer position
- The market will not operate at Long Wharf (nor anywhere else) during Ironman week, as to not interfere with the installations of the event's temporary structures; there is however no conflict to have the market at Long Wharf during Eagleman week, where all athletic activities are confined to Great Marsh Park.
- The vendors pay a fee to Main Street of \$5 per week
- A week day market is harder to get people to come to, and every effort (with signage and marketing) is necessary to keep the market active and profitable for the vendors
- No one has ever complained about the presence of the market, to the contrary.
- A testimony from Miriam Benson, of 112 High Street, is heard to that effect, emphasizing how positive an impact the market has on the neighborhood and city.

Commissioners Discussion:

Commissioner Nichols made a motion to close the open meeting and go to closed discussion; it is seconded by Comm. Clyde. All approved.

- Commissioner Clyde brought up the issue of the Long Wharf public restrooms being accessible without restriction, a condition to the approval of this special exception. Staff will confirm with Department of Public Works that there will be no limitations at the time of Market use.
- A discussion by the panel ensues about the appropriateness of the size of the sign. Commissioner Clyde and Chairman Brooks are under the impression that the size limit is 6 square feet (as quoted in Section 6.5.4.A.4), and not what the proposed 4'x5' sign currently is.
- Commissioner Clyde expresses that he thinks the sign is way too big and should be 6 square feet.
- Staff expresses that the sign was reviewed and approved both by the Historic Preservation Commission, and by the Cambridge Building Department, and found compliant with the UDC requirements (Section 6.5.6.A.1. a through d, Standards Specific to the Residential Districts), which allows the sign to be up to 32 square feet and 6-foot-high with its base. This is consistent with the specifications of the sign proposed
- Commissioner Bishop has questions about the sign posted on Route 50; "its message is confusing". The applicant replies that the Route 50 sign is not related to the Long Wharf Farmers Market specifically.

Special Exception approval:

Commissioner Nichols made a motion to approve the special exception of BOA 2019-007, use of Long Wharf for a seasonal Farmers Market, with all conditions specified in the staff report being met:

1. The establishment, maintenance and operation of the special exception at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special exception at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special exception at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
(Restroom facilities are available for vendors and shoppers at Long Wharf).
5. The special exception shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
6. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
7. The proposed use at its proposed location conforms to the Comprehensive Plan.
8. The applicant needs to provide documentation that they comply with Section 4.2.3 B. 8.

Chairman Ted Brooks asked for a motion to adjourn. Commissioner Nichols made the motion and was seconded by Commission Bishop.

Meeting adjourned.

Respectfully submitted,

Herve Hamon, Planner I

Signature: _____

Ted A. Brooks, Chairman, Board of Appeals

Date: Mar 28, 2015