

**MEETING MINUTES
BOARD OF ZONING APPEALS
FOR CAROLINE COUNTY, MARYLAND**

DATE: AUGUST 18, 2009

PLACE: HEALTH & PUBLIC SERVICES BUILDING
403 S. 7TH STREET, 1ST FLOOR, ROOM 111
DENTON, MARYLAND 21629-1335

BOARD MEMBERS

(PRESENT): W.A. STEWART WRIGHT, JR., CHAIRMAN
STEVEN K. MELVIN, VICE-CHAIRMAN
W.R. CARTER, III, ALTERNATE MEMBER

ALSO PRESENT: KAREN P. RUFF, ATTORNEY
CRYSTAL L. PORTER, ASST. DIRECTOR OF CODES
DENNIS PLUTSCHAK, CODES ENFORCEMENT OFFICER
DEBBIE HERR CORNWELL, RECORDING SECRETARY

W.A. Stewart Wright, Jr., Chairman, called the regularly scheduled meeting of the Caroline County Board of Zoning Appeals to order.

**ILYAS TERZI
APPLICATION NO. 200900012
SPECIAL USE EXCEPTION**

The following documents are included as part of the file:

- Exhibit #1 – Application for Special Use Exception (2 pgs.)
- Exhibit #2 – SDAT Property Data Sheet (Account ID #05-005582)
- Exhibit #3 – Aerial Photograph of Property with Property Boundary and Features
- Exhibit #4 – Site Plan
- Exhibit #5 – Application for Water Supply and/or Sewage Verification
- Exhibit #6 – Correspondence from State Highway Administration, Dated June 29, 2009 (2 pgs.)
- Exhibit #7 – Eco Auto Recycling, LLC – Business Operating Plan (10 pgs.)
- Exhibit #8 – Copy of Tax Map 55, Grid 14, Parcel 14, Lot 3
- Exhibit #9 – List of Notified Adjoining Property Owners (3 pgs.)
- Exhibit #10 – Public Notice – Proof of Publication
- Exhibit #11 – Photographs of Property (9 pgs.)
- Exhibit #12 – List of 2008-2009 Caroline County Salvage Yard Licenses
- Exhibit #13 – Correspondence from William H. Briggs, dated August 10, 2009
- Exhibit #14 – Correspondence from Richard Colburn, Federalsburg Town Manager, dated August 18, 2009 (3 pgs.)

- Exhibit #15 – Photographs submitted by Maurice Stanford
- Exhibit #16 – Photographs submitted by Maurice Stanford (2 pgs.)
- Exhibit #17 – Photographs submitted by Jeanne Booze (6 pgs.)

Chairman Wright introduced the hearing for APPLICATION NO. 200900012 – ILYAS TERZI – SPECIAL USE EXCEPTION. The Notice of Public Hearing (Exhibit #10) was read into the record and the hearing was opened for testimony.

Appearing in favor of the application:

Anne Ogletree, appeared as the attorney for the applicant.

Ilyas Terzi, 110 Defense Highway, Annapolis, MD 21601 testified that he is interested in the 60.3 acre property located on Rt. 313. He plans to use the property for an auto recycling business. The property is currently zoned I-2, Light Industrial and provides adequate space for an auto recycling business that serves local, national and international customers. **Mr. Terzi** stated that the size of the property provides the space needed to buffer the business from the adjoining properties, reducing the possibility of disturbing those properties.

A 10,000 SF metal building with a concrete floor is proposed for the business and will be setback 200' from the adjoining properties. The building will provide office space, storage and a 5,000 SF area for the disassembly of the automobiles. **Mr. Terzi** stated that he is willing to make modifications based on the concerns of the adjacent property owners. Exterior lighting will be provided at night around the building for security purposes but no lighting is proposed in the automobile storage area. He stated that a 6-8' tall metal fence and an evergreen planting are proposed to screen the business from the street and adjacent properties.

Mr. Terzi stated that the business must follow strict environmental regulations for the drainage of fluids from the automobiles, including transmission fluid, engine oil and antifreeze. All of these fluids are drained separately and stored in special tanks. He testified that the EPA and Motor Vehicle Administration are both involved in the regulation of an automobile recycling business. Regular inspections are conducted by state and federal representatives.

Mr. Terzi testified that the vehicles will be stored outside the building. Onsite equipment will include a forklift, a crusher and business owned delivery trucks. He stated that he has existing business contacts in Russia who will accept all of the tires and rims that he can send to them. Cars and car parts will also be shipped to Russia and South America in containers. Local shipping will be done using the business owned trucks with UPS or FedEx handling the national and international shipping.

The proposed building will be centrally located on the property. Using the site plan, **Mr. Terzi** depicted the approximate location of the proposed car crusher. The car crusher will be located near the center of the property and will be enclosed with a fence and sound buffering materials. A perimeter fence will be provided around the property as well.

The property is zoned Light Industrial and **Mr. Terzi** noted that a salvage yard use meets six of the seven zoning criteria.

Mr. Terzi stated that the maintenance of the property will include grass cutting at the entrance and along the road. In response to **Ms. Ogletree's** question, he defined the difference between a junkyard and a salvage yard by comparing two local businesses – Eagle Salvage Yard versus Mitchell's Junkyard.

He stated that he will remove all parts of the car that can be sold including the fenders, doors, airbags, horns, batteries, radios, bumpers, tires, seats and lightbulbs. After the parts are removed, the remaining frame will be sent to the crusher. After crushing, the metal will be sold to a recycler.

Mr. Terzi contacted the State Highway Administration and received a letter noting that acceleration and deceleration lanes will be required. These will be constructed at his expense. At the start of the business, he expects that one tractor trailer a day will bring automobiles to the site. He anticipates that in about three years, this will increase to about two tractor trailers a day. **Mr. Terzi** plans to start the business with two delivery trucks which will be stored within the fenced area.

At the start of the business, **Mr. Terzi** will store a couple hundred cars onsite in the storage area. This area will not be visible from the highway since it will be located behind an 8' tall fence. Since this is a salvage yard, the vehicles will be stored side by side.

Chairman Wright asked for clarification on the type of fencing. **Mr. Terzi** stated that it will be solid green metal fencing that can not be seen through. Initially a rectangular area of fencing will be provided around the business, including the storage area and building. If economically feasible, the perimeter will be fenced as well. He stated that access to the property will only be through the main gates which will be locked.

Since no one will be living on the property, **Ms. Ogletree** confirmed that there will be no effect on the school system.

Mr. Terzi has not spoken with the Sheriff's Department regarding security requirements but he will provide a security system with cameras, alarms and lights.

In response to **Ms. Ogletree's** question, **Mr. Terzi** stated that he had not spoken with the Fire Department yet but would provide an onsite alarm if it was required.

Mr. Terzi stated that all chemicals and oils will be drained and recycled appropriately.

Mr. Terzi has spoken with the Health Department for approval of a septic system and was advised that a wet season test is required. The septic system is required for the employees' bathroom. Initially, **Mr. Terzi** expects to have five employees and hopes to expand to 15-20 in a few years time.

The proposed hours of operation are 8 am to 5 pm, Monday through Friday, 10 am to 2 pm on Saturday and closed on Sunday. The hours of operation for the car crusher will be from 10 am to 3 pm during the week and will not be operated on the weekends.

The property has been zoned I-2 since zoning started in the 1970's. **Ms. Ogletree** noted that the Zoning Ordinance only allows salvage yards to be located within the Industrial District. In Caroline County, **Mr. Terzi** stated that there are no other industrial zoned sites large enough for his proposed business. **Mr. Terzi** stated that he is aware that he needs to obtain the necessary permits for the construction of the proposed business and his application is contingent upon the receipt of those approvals.

Mr. Terzi is the contract purchaser of the property which is currently owned by six members of the Meredith family. He stated that they are aware of the proposed business but that he had not discussed the business with them. He stated that the proposed business will provide employment opportunities and will bring money into the County.

Mr. Terzi has been a mechanic for five years and has sold cars for seven years. His business in Grasonville currently ships cars to South America and Russia. He currently sells granite and marble countertops from his businesses in Annapolis and Grasonville. He also owns investment properties in Clinton and Baltimore. In response to **Ms. Ogletree's** question regarding complaints about his properties, **Mr. Terzi** stated that he has occasionally had a complaint but that he addresses them immediately. He stated that he is willing to work with the neighboring property owners to address any concerns they may have about the business.

Chairman Wright asked what Mr. Terzi's current full time employment was. **Mr. Terzi** stated that he currently works full time in the granite and marble countertop business at the Annapolis and Grasonville locations.

Chairman Wright asked if Eco Auto Recycling, LLC was an established business. **Mr. Terzi** testified that it was not and its establishment was dependent on the outcome of the Board of Zoning Appeals hearing. **Mr. Terzi** stated that he will be the sole stakeholder in the proposed LLC. He has been shipping cars to Russia and South America and they realized that it was a benefit to ship the necessary parts with the whole car. Shipping may be expanded to additional countries but currently a network exists to ship to Russia and South America.

In the business plan, **Chairman Wright** identified that two LLC's were noted. **Mr. Terzi** stated that his wife and possibly children would be part of the second LLC. The business plan was prepared by Mr. Terzi with assistance from his accountant.

The capital for this project will come from the sale of property in Baltimore. If the sale of the property fell through, **Mr. Terzi** stated that he has additional money available overseas from past investments that can be used. The contract sale of the Meredith property is contingent upon the decision of the BZA.

Other properties were researched within Caroline County, as well as properties in Queen Anne's County. **Mr. Terzi** looked for a property that was large enough for the business but no appropriate sites were available.

Mr. Terzi stated that proximity of the property to Baltimore or Washington, DC, is not critical for the success of the business. He has approached Queenstown Bank for financing but no commitment letter has been obtained yet. He is confident that he can obtain financing and is able to put more money down if necessary.

Chairman Wright stated that he did not see any cash flow projections in the business plan and asked if a profit is expected from the business. **Mr. Terzi** stated that he wouldn't be proceeding with the hearing if he did not expect to make money.

Chairman Wright noted that the plat provided did not show any details of the proposed business. **Ms. Ogletree** stated that it had seemed premature to provide the details unless the BZA found a favorable decision for the project.

Mr. Terzi confirmed that controlled access to the site will be provided and there will only be one access point from Rt. 313.

Chairman Wright asked if a deep well will be provided for fire protection. If required by the Fire Department, **Mr. Terzi** stated that he will provide a water source. He confirmed that no burning will be done onsite and his employees will be provided with adequate training as required by OSHA and other regulatory agencies.

Chairman Wright asked what type of surfaces will be provided for the road systems onsite. **Mr. Terzi** testified that gravel surfaces will be provided for the road system and since they will be located in the middle of the site, dust should not be an issue.

Since it produces less revenue, **Mr. Terzi** stated that no assembling of vehicles will be done on the property. The large size of the property is needed so that the vehicles can be accessed and the inventory organized.

Chairman Wright asked what measures would be taken with items that Maryland has specific requirements on such as tires. **Mr. Terzi** stated that tires that are not in good condition will be recycled.

Chairman Wright asked where the delivery trucks would be stored. **Mr. Terzi** stated that all equipment will be organized near the building, since it is not a junk yard.

Mr. Terzi expected to have a manager within about a year to assist with the business. He will divest himself from his other businesses and focus on the salvage business. **Mr. Terzi** owns a residence in Stevensville so he can be close to the business.

Mr. Melvin asked for additional information on the decibel level of noise generated by the crusher, specifically comparison of one that is dampened versus a crusher that is not. **Mr. Terzi** stated that there will be two layers of covering to reduce the noise level. He estimated the height of the crusher as being about 30' tall. **Mr. Terzi** is working on an innovative approach for the installation of the crusher that would involve putting it below the ground surface.

Ms. Ogletree stated that if the record is left open, they would provide noise level information.

Chairman Wright noted that the notes on the plat were incorrect; specifically note #2 under Outside Storage. The ordinance requires no outside storage within 50 feet of a property line. **Ms. Ogletree** stated that the applicant intends to maintain a greater distance than that from the property lines; a distance of at least 285' is proposed.

Mr. Carter asked what types of fluids would be captured. **Mr. Terzi** testified that antifreeze, engine oil, brake fluid, Freon, gasoline and transmission fluid would be collected into separate storage containers. In regard to **Mr. Carter's** question on salvageable tires, **Mr. Terzi** stated that a shipment container will be provided for the storage of tires and when full, it will be removed. **Mr. Carter** asked if damaged parts that were not salvageable would be crushed with the frame. **Mr. Terzi** confirmed that they would be. In some cases, the cars will be shipped whole to other countries, instead of being disassembled.

Chairman Wright asked where the cars would come from. **Mr. Terzi** stated that they would come from insurance auctions.

Mr. Carter asked if the wetlands shown in the aerial photo would collect standing water resulting from runoff of the site. **Mr. Terzi** stated that the wetland would not be disturbed and he would not be storing any vehicles in the wetland area. **Ms. Ogletree** stated that she was not aware of any tax ditches on the property but could not say whether or not there are any agricultural ditches.

Mr. Carter asked if the entire 60 acre site would be needed for vehicle storage. **Mr. Terzi** stated that he would not need the entire site immediately. In year one, he anticipated purchasing 90 vehicles and 135 vehicles by the second year. He estimated that the property could provide storage space for 5,000 cars. The number of cars he stored on the property would be dependent on consumer demand. He will not purchase cars just to store them on the property.

Chairman Wright asked if the stored cars would become breeding areas for mosquitoes, mice and rats. **Mr. Terzi** stated that the inventory would be maintained at a manageable level and he would only be buying cars if he was selling cars and parts. He anticipates it will take longer than three months to disassemble the car and sell the parts.

Chairman Wright questioned why such a large site was needed for the business. **Mr. Terzi** responded that it would not hurt to have a larger site since the land was affordable. He stated that he might use the property for another business and acknowledged that he would need the appropriate approvals should he decide to have a different type of business. He further stated that any other business he would propose would be less restrictive than the salvage yard business.

Chairman Wright asked Mr. Terzi for his opinion on how the proposed business would impact the neighborhood. **Mr. Terzi** stated that he felt the business would have a positive impact on the neighborhood, since it will be a professional business, not a junkyard. He plans to train his wife to run the business as well.

W. Robins Jefferson, 846 Thompson Creek Road, Stevensville, MD 21666, certified public accountant testified as to Mr. Terzi's reputation. He stated that Mr. Terzi is ambitious, motivated, and goal oriented. Mr. Terzi follows through and does what he says he's going to do. **Mr. Jefferson** has been working with Mr. Terzi for four years and his local businesses are very successful. He was not familiar with Mr. Terzi's overseas capital.

Chairman Wright asked Mr. Jefferson if he had assisted in the preparation of the business plan. **Mr. Jefferson** stated that the projections are reasonable and that the cars would turn over in about a 2 year life cycle. He stated that he had not done any cash flow projections.

Mr. Jefferson testified that he did not have any other clients in a similar type of business or in an international business. He stated that Mr. Terzi also had a solid business relationship with Bank of America and is in good standing with either bank to apply for financing. He further testified that Mr. Terzi is current in all of his filings for his businesses. The services Mr. Jefferson provides include tax return preparation and payroll.

Mr. Carter asked if there was a typo on Page 7 of the Business Plan, where the sales revenue from cars purchased stated Year 21 - when it should be year 2. **Mr. Jefferson** confirmed the error.

Barbara Nichols of 5879 Harmony Road, Preston, Maryland 21655 testified as a real estate agent, working primarily in Caroline County since 1979. **Ms. Nichols** lives in the vicinity of the proposed project and has sold properties in the area as well. She testified that she had looked at similar salvage operations and noted how clean the businesses were. **Ms. Nichols** noted that this property was of interest due to its zoning designation as well as its size. Other businesses existing within ½ mile of the proposed project include Tri-Gas, Burris Trucking and chicken houses. A Choptank Electric substation is scheduled to be constructed behind the project property.

When the property was listed, **Ms. Nichols** testified that she contacted the Caroline County Planning, Codes and Engineering Office to determine the correct zoning information. She noted that two other parties had been interested in the property

and were proposing to locate a composting business there. In order to establish a composting business on the property, a variance would have been required.

In her research, **Ms. Nichols** found that in 1976 the property was zoned Light Industrial. Prior to that, the property was owned by Ellis Concrete. **Ms. Ogletree** theorized that this was the reason the property was originally zoned I-2 since a concrete business was located there at the time the zoning maps were drawn.

In addition to the 60 acre parcel, **Ms. Nichols** stated that Mr. Terzi will be purchasing a six acre site, identified as Parcel 127 that fronts on Three Bridges Road. This property provides a second access point for the site. **Ms. Ogletree** noted that the second property is not part of this application. **Ms. Nichols** described the uses of the surrounding properties as mixed, including chicken houses, a goat farm, residential and a transfer station for trash.

Ms. Nichols testified that the proposed business should not have an affect on the value of the neighboring properties. She stated that the proposed fence and screening will effectively screen the property and will be aesthetically pleasing.

Chairman Wright asked if Ms. Nichols felt the proposed business would have any affect on public services. **Ms. Nichols** stated that she did not. She did not feel that the proposed development would impede the development of any of the neighboring properties; she noted that many of the surrounding farm properties have preservation easements on them.

Mr. Carter asked how long the property had been listed for sale. **Ms. Nichols** stated that it had been listed off and on for about two years. She confirmed that Mr. Terzi is the only contract purchaser of the property.

Ms. Ogletree asked if any residential development had occurred in the area since the Burris Trucking and Tri-Gas businesses were established at their current locations. **Ms. Nichols** testified that there was not a great deal of land available for residential development but behind Burris a new subdivision had been completed within the past few years.

Ms. Nichols stated that industrial and commercial properties take a longer period to sell than residential properties. **Ms. Ogletree** asked what the real estate market projection is. **Ms. Nichols** stated that she felt the market is beginning to return.

Mr. Melvin asked if Ms. Nichols had any information on the properties surrounding some of the existing salvage yards she had visited. **Ms. Nichols** stated that she did not feel locating a salvage yard in the area would be detrimental and noted that she lives in the area as well.

Due to some confusion regarding testimony provided on the area to be fenced, **Mr. Terzi** provided clarification. He stated that the crusher and rectangular area around the automobile storage area would be fenced at a minimum, if financing allowed the entire property would be fenced.

Mr. Carter asked what assurances could be provided for disposing of the automobiles and cleaning up the property should the business go bankrupt. **Ms. Ogletree** stated that in the case of bankruptcy, the automobiles are business assets and would have to be disposed of as part of the final bankruptcy liquidation. **Mr. Carter** asked if Mr. Terzi would be willing to make provisions to bond any clean up activities. **Mr. Terzi** affirmed that he would.

Karen Ruff, Board Attorney noted that the ordinance requires the salvage yard to be completely enclosed or screened to restrict the view of the facility from the adjoining properties. **Ms. Ogletree** stated that the rectangular fence would completely enclose the operation, with no part of the business being located outside of the rectangle. The car crusher will be located in an enclosure that is within the rectangular fenced area. As the cars are crushed, they will be stored within the rectangular area as well and will be shipped out on a regular basis.

Chairman Wright asked if Mr. Terzi would be willing to plant the evergreen screen around the perimeter of the property prior to beginning any construction activities on the site. **Mr. Terzi** confirmed that he would be willing to establish the vegetative screen first.

Beverly Adams, 2648 Anthony Mill Road, Denton, Maryland testified as a property owner representative. **Ms. Adams** testified that when originally approached by Mr. Terzi, the family was not excited about the idea of the property being used for a salvage yard. After looking at other existing salvage yard businesses, they realized that it is a business and if it is run as Mr. Terzi proposes, it is appropriate for the site. She stated that her brother and sister live within close proximity of the property and she owns a rental property in the area. If Mr. Terzi only uses a small portion of the property, her brother will continue to farm the remaining property.

Referring to page 5, paragraph four of the business plan, **Chairman Wright** expressed concern over the statement that "Management intends to fully utilize the 60 acre parcel of land and reserves the right to lease out any unused portions of the property in order to optimize their operations." **Mr. Terzi** stated that the only other use being considered at this time would be rental of the land for farming operations.

Jarrett Alvey, 3203 Greenfield Court, Preston, Maryland testified that he had worked with his brother at Seymour Auto Parts in St. Mary's County, Southern Maryland for 15 years. They had a crusher but it was not very noisy and it was not buffered. **Mr. Alvey** stated that the business was surrounded by residential properties and a tall fence surrounded the business. He testified that the business was highly regulated and that he did not see any impact on the development of the surrounding properties. Occasionally, there would be someone breaking into the property but no real problems were associated with the business. In response to **Chairman Wright's** question regarding any environmental or nuisance pest problems, **Mr. Alvey** testified that poison was set out but since the property was kept in a neat condition there were no problems.

There was no one else appearing in support of the application.

Appearing in opposition of the request were:

Maurice Stanford of 4330 Federalsburg Highway, Federalsburg, Maryland testified that he is in opposition of the project since his property floods when it rains. He is concerned about additional runoff from the project being directed onto his property. **Mr. Stanford** provided photographs showing standing water in his front yard which faces the highway (Exhibit #15) and his neighbor Mr. Briggs' front yard (Exhibit #16). His property was identified as Parcels 100 and 113 on the Tax Map which are adjacent to the project site. **Mr. Stanford** testified that the photographs were taken in the 1990's and that flooding had occurred since then but additional pictures were not taken.

Sandra Beulah of 4268 Federalsburg Highway, Federalsburg, Maryland testified that there is a high water table. **Ms. Beulah** lives at the corner of Three Bridges Road and Federalsburg Highway and owns four properties in the area under the name of Sandra Friend or Sandra Adams. Drainage has been a problem and they have asked for help in the past. She is concerned about the affects of runoff on her property. She has lived in the area for 50 years. Between Mr. Stanford's house and Mr. North's property, there has been standing water. Using the aerial photograph, she identified the area that floods as being to the southeast of Mr. Terzi's property. Additionally, she is concerned about the noise level and the appearance.

Jeanne Booze, 4372 Federalsburg Highway, Federalsburg, Maryland testified that she is concerned about the wetlands and drainage on the project property. She provided photographs (Exhibit #17) of flooding on her property identified as Parcel 126. **Ms. Booze** worked for 8 years at Bel Air Auto Auction and Salvage business and is concerned that Mr. Terzi doesn't have enough experience to operate the business. She questioned whether Mr. Terzi would obtain the autos directly from the insurance company and if so expressed concern that personal effects and remains from the accidents would still be in the automobiles. **Ms. Booze** also provided photographs of the project site that is currently an agricultural field. She is concerned that there will be an increase in the amount of rodents, including snakes, rats and dogs.

Thomas Laramore, 4453 Federalsburg Highway, Federalsburg, Maryland testified that he owns Parcel 13 and has lived on the property since 1971. His property is located directly across from the proposed entrance on Rt. 313 and he is concerned that there will be a dust problem. Mr. Laramore further stated that he likes to enjoy the wildlife in the area.

Harry Purdham, 4379 Federalsburg Highway, Federalsburg, Maryland testified that he and Mr. Laramore share access into their properties. For nine years, **Mr. Purdham** has observed the farming activities on the project property and he has not seen the farmer accessing the property on a daily basis stirring up dust. The farming activities are occasional uses. He is concerned about trucks on Rt. 313 and the safety issue. He has health concerns associated with the dust and diesel fumes

that will result if the property is used as a salvage yard. **Mr. Purdham** also expressed concern about the underground storage tanks and the potential for leakage. He has 35 years experience as a construction superintendent for heavy commercial and industrial construction and has been involved with the environmental cleanup of similar types of businesses.

Due to the late hour, the record was left open and the hearing was continued until the next meeting on October 20, 2009. The comments raised by the Board during the hearing identified additional information that Mr. Terzi needed to prepare and present at the October meeting. The additional information identified included documentation from a qualified, unbiased professional on the noise level of the car crusher and the dampening ability of the sound proofing material; a site plan showing the proposed development of the interior of the property depicting the road system pattern, storage tank locations, landscape plan, and crusher location; a plan showing the interior layout of the 10,000 SF building; details on the number of storage tanks, volumes of the tanks, containment areas for the tanks and a plan on how the liquid materials will be removed from the site.

OTHER BUSINESS

The written minutes and decisions for **Robert Miller, Jr. & Martha Chase Tanner, Application Nos. 200900007 & 200900008 – Special Use Exception** were presented and signed.

The written opinion and decision for **Bruce & Brenda Pepper, Application No. 200900010 – Variance** was presented and signed.

The Board unanimously approved the minutes from the July 21, 2009 meeting.

The meeting was adjourned at 10:45 PM.

This hearing was tape recorded for reference.

BOARD OF ZONING APPEALS
W.A. Stewart Wright, Jr., Chairman



Minutes prepared by:
Deborah Herr Cornwell

