

*DENTON BOARD OF APPEALS  
MINUTES  
July 13, 2010*

Present: Troy Livingstone, Brittani Thomas, and Florence Doherty

Recording: William Kastning, Director of Planning & Codes

Visitors: Debra Lucas, Evan Lucas, Josephine Manaois, Robert Singer, and Jean Singer

Called to Order: The meeting was called to order at 6:30 p.m. by Chairperson Livingstone

Pledge of Allegiance

Chairperson Livingstone swore in the applicants and others wishing to make comments prior to each one's testimony.

**New Business #1 – BOA-10-001 Josephine Manaois/Special Exception:**

Josephine Manaois, owner of property located at 406 North Sixth Street, made the presentation requesting approval for the addition of two residential units (two allowed, four requested).

Board members were notified of the positive recommendation by the Planning Commission supporting the special exception.

Board members asked if the Planning and Codes Department had received any comments from those notified about the application. Planning Director Kastning indicated there were none.

Board members found that on-site parking was sufficient and would have little impact on street traffic.

Jean and Robert Singer questioned the proposed special exception impact on their properties (vacant lot behind applicant's property and improved lot across Route 313). They were informed there would be no negative impacts, especially since all parking would be on-site. Afterward, the Singers indicated they were in support of the special exception request.

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Board members determined that there would be no detrimental effects of value impacts to nearby properties.

Mrs. Manaois indicated the permits for construction work were filed by the contractor and, as a consequence, there was no indication to the Town of the intended uses or changes in use for the properties.

Board members stated that permit applications should be modified to account for specific intended uses so that this issue would not arise in the future.

Board members found that the request is consistent with the Town's Comprehensive Plan and consistent with the intent of the Chapter 128 – Zoning.

No restrictions were imposed by the Board.

Mrs. Doherty motioned to approve the special exception to allow two additional apartments.

Vice Chairperson Thomas seconded the motion. Motion was approved unanimously.

**New Business #2 – BOA-10-002 Debra & Evan Lucas/Special Exception:**

Mr. Lucas made the presentation requesting approval to operate a hot dog vending service at 303 Market Street owned by the Town and also amended the request to include the use of Crouse Park also owned by the Town.

Board members were notified of a positive recommendation by the Planning Commission supporting the special exception for the site of the former Dollar General store, however with limitation for only the remainder of 2010.

Board members were informed by Planning Director Kastning that the Town Council gave permission to use both sites. (Planning Commission did not have the opportunity to provide

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a recommendation for the Crouse Park site due to the lateness of the Town Council approval at its July 12, 2010 meeting).

Mr. Lucas indicated the hours of operation would be weekdays from 10:00 a.m. to 2:00 p.m. on the site of the former Dollar General store and on many weekends at Crouse Park.

Mr. Lucas provided proof that he had obtained the necessary licenses and Caroline County Health Department approvals.

Mr. Lucas indicated he would remove the hot dog stand from the sites when closing and would remove any trash.

Mr. Lucas indicated he obtained permission from the Caroline County Country Club to use the club as his commissary.

Board members asked if the Planning and Codes Department had received any comments from those notified about the application. Planning Director Kastning indicated there were none.

Board members stated the restriction of end of the calendar year imposed by the Planning Commission recommendation was considered unnecessary. It was further noted that the owners (Town of Denton) could rescind its approval at any time and that the approval would lapse once the former Dollar General site was sold.

Planning Director Kastning indicated the Town Council's approval of the Crouse Park site stipulated working out an appropriate location with the Planning and Codes Department for the cart and the vehicle so as to not impede normal parking use.

Mr. Lucas indicated there would be no generator use for power because his cart was entirely propane powered.

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Mr. Lucas asked that the unused sign posts at the former Dollar General site be removed to facilitate entry/turnaround of vehicle and cart on that site. Planning Director indicated he would contact DPW to ask that the posts be removed.

Mr. Lucas indicated his intention to be open for business the next day if approvals were to be granted.

Board members inquired about any requirement for the provision of a bathroom. Applicant stated there were no such requirements imposed by the Caroline County Health Department. (Denton has none.)

Board members found that the special exception request was in harmony with the area, and there would be no safety or noise issues.

Board members found that the request is consistent with the Town's Comprehensive Plan and consistent with the intent of the Chapter 128 – Zoning.

Vice Chairperson Thomas motioned to approve the special exception request for the hot dog vending service at both sites for an indeterminate period of time as allowed by the Town and with the condition that the parking/placement at Crouse Park be approved by the Department of Planning and Codes.

Mrs. Doherty seconded the motion. Motion was approved unanimously.

**Staff Items**

Planning Director thanked the three Board members for completing their state-required training exercise and receiving certification.

The public hearing adjourned at 7:47 p.m.

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ATTEST:

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William D. Kastning, Director

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Troy Livingstone, Chairperson

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Brittani Thomas, Vice Chairperson

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Florence Doherty, Member