

BEFORE THE TOWN OF DENTON BOARD OF APPEALS

**IN RE: J. RICHARD BULLOCK
APPLICATION FOR
SPECIAL EXCEPTION**

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Case No. BOA-23-001

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MINUTES, FINDINGS OF FACT, CONCLUSIONS AND DECISION

The Board of Appeals held a Public Hearing on Wednesday, February 15, 2023, at 6:00 p.m., at the Denton Town Office to consider an application for a Special Exception for J. Richard Bullock, (hereinafter, the “Applicant”).

Board Members present were Chairperson Troy Livingstone, Vice Chairperson Florence Doherty, and Board Member Lori Schmidt. Also present were Counsel for the Board, Chris Drummond, Town Administrator, Scott Getchell., Chief of Police, George Bacorn, Jr., and Acting Director of Planning and Codes, Donna Todd. The Applicant’s Representative, Michelle Bullock, Applicant’s Attorney, Sharon VanEmburch, and Applicant’s Planner, Sean Callahan, were present.

Other interested persons present included Patti Diamond and Linda Tate.

PROCEDURAL HISTORY

On January 3, 2023, the Applicant filed an application with the Board of Appeals seeking Special Exception approval for a Combination Use consisting of residential and commercial uses to be located at 617 Camp Road, Denton, Maryland, Caroline County Tax Map 103, Parcel 998.

The application was advertised in the Times Record for two consecutive weeks on January 25th and February 1st, a sign was posted on the property on January 25th, and all property owners within 200 feet of the property received written notification of the Public Hearing. All public notice requirements have been satisfied.

SUMMARY OF PROCEEDINGS, TESTIMONY AND EVIDENCE

On February 15, 2023, Chairperson Livingstone opened the Public Hearing at 6:08 p.m., followed by the Pledge of Allegiance.

Board Member Doherty made a motion to nominate Troy Livingstone as the Chairperson, seconded by Board Member Schmidt, passed unanimously (3:0).

Chairperson Livingstone made a motion to nominate Florence Doherty as the Vice Chairperson, seconded by Board Member Schmidt, passed unanimously (3:0).

Vice Chairperson Doherty read the Public Notice advertised in the Times Record for BOA-23-001 into the record.

Chairperson Livingstone swore in Sharon VanEmburch, Sean Callahan, Michelle Bullock, Patti Diamond, and Linda Tate.

The Applicant's Attorney, Sharon VanEmburch, provided a brief summary on behalf of the Applicant. The Attorney referred to the site plan and aerial for the location of the property. In 2021, this property was rezoned from Town Scale Residential (TR) to General Commercial (GC). Residential, commercial, and retail uses are allowed in the General Commercial Zone. The proposed combination use for residential and commercial uses requires a Special Exception by the Board of Appeals. Keeping the existing residential dwelling serves as a buffer to the neighboring properties as well as keeping with the character of the neighborhood. The Applicant is requesting approval to keep the existing dwelling at 617 Camp Road and build a commercial building on the same parcel.

Sean Callahan, Planner for Lane Engineering, provided testimony for the Applicant. Lane Engineering prepared the boundary survey and concept plan for the Applicant. There is a 12-foot right-of-way between the parcels planned for development owned by the Applicant. The site plan was referenced to show the proposed development for both parcels on Camp Road and Sixth Street. This planned development includes retail space and offices. The Applicant is required to receive preliminary and final site plan approval for the proposed development from the Planning Commission. The site plan review process will require sufficient parking and bufferyards. An architectural plan was shown for the buildings showing compatibility with the other buildings in the area. If the residential dwelling unit remains, it will keep the existing

driveway for parking. Fire Code will regulate the distance between the commercial building and residential dwelling.

The Town Attorney noted the deed description of Parcel 999 appears to include the right-of-way. Improvements to the right-of-way should be addressed at the site plan review process.

Michelle Bullock, daughter of the Bullocks, provided testimony. The existing residential rental dwelling unit was renovated and is occupied. The Applicant will improve and maintain the right-of-way.

Mrs. Todd provided comments from Renee Lockerman inquiring about the public notice received, and she had no objections to the proposed combination use. Mrs. Linda Tate, who was present to address the Board, had also called about the application.

Vice Chairperson Doherty read the memo dated February 1, 2023, into the record confirming the property was posted, public notice was advertised, and notification was sent to all property owners. The Planning Commission recommended the Board of Appeals grant the Special Exception for the combination use of commercial and residential at 617 Camp Road on January 31, 2023.

Patti Diamond, Certified General Real Estate Appraiser, provided testimony for the Applicant. A report, Analysis of a Special Exception Request for a Property Owned by John R. Bullock, Trustee, was distributed to the Members of the Board. The conclusion of the study concluded that the application for the Special Exception is consistent with the Town's Comprehensive Plan, conforms to surrounding uses, presents no negative impact on transportation patterns, is not detrimental to the property values of adjacent properties and does not adversely affect the area with adverse environmental conditions. The tax assessment of the land should be commercial since it was rezoned to General Commercial (GC).

Linda Tate, Resident at 623 Camp Road, referenced her property on the site plan which is located to the rear of 617 Camp Road. Mrs. Tate accesses her property through the 12-foot Right-of-Way and another 14-foot Right-of-Way. Mrs. Tate does not support the commercial development or improvements to the 12-foot Right-of-Way that customers or the public may use to access her property. Mrs. Tate is concerned about the safety of her child.

Chairperson Livingstone does not believe vehicular traffic would drive on the unimproved portion of the Right-of-Way and would enter and exit on the improved portion of the Right-of-Way.

Vice Chairperson Doherty agrees vehicular traffic will remain on the improved portions to enter and exit the property and unlikely this is a safety issue for her child.

The Town Attorney noted Mrs. Tate's title access is from the 14-foot Right-of-Way.

Member Schmidt recommended Mrs. Tate address the Planning Commission during the site plan review process of her concerns. Today's meeting determines the requested combination use.

DELIBERATIONS

During and following the receipt of all testimony and evidence, the Board deliberated in Open Session.

Vice Chairperson Doherty is in favor of granting the special exception for the combination use based on the testimony and evidence submitted by Sharon VanEmburch, Applicant's Attorney, for property located at 617 Camp Road, Denton, Maryland.

Vice Chairperson Doherty recommended conditioning the granting of the combination use on not allowing a future subdivision of the parcel.

Member Schmidt recommended conditioning approval on the Applicant's ability to meet the parking requirements during the site plan review process.

Mr. Drummond stated development of the property consistent with the special exception shall not occur until and unless the property owner shows parking compliance with the Zoning Code which may be off site.

FINDINGS AND DECISIONS

Special Exception Request – Board Member Doherty made a motion to grant the Special Exception application filed by J. Richard Bullock, BOA-23-001, for a combination use of residential and commercial uses subject to parking compliance with the Zoning Code to be

determined during site plan review by the Planning Commission and the maintenance of the parcel in its current configuration.

The motion incorporated the proposed Findings of Fact on the four conditions of the Special Exception Criteria as follows:

- (a) In accord with the Town's Comprehensive Plan and consistent with the spirit, purposes, and intent of this chapter.

In accordance with the Town's Comprehensive Plan due to the fact it is permitted as a Special Exception use in the General Commercial (GC) District.

- (b) Suitable for the property in question and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

The appearance of the new commercial building and existing residential structure are in harmony with the intended character of the general vicinity.

- (c) Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

Allowing a combination of residential and commercial uses will not significantly impact present and future transportation patterns and will not create undue congestion or traffic hazards.

- (d) Not detrimental to the property values of adjacent development, do not adversely affect the health, safety, and general welfare of residents of the area, and will not adversely affect the area and surrounding property with adverse environmental effects such as undue smoke, odor, noise, improper drainage, or inadequate access.


This use will not impact the property values and will not adversely affect the health, safety, and general welfare of residents of the area or the surrounding area. This use does not cause any environmental effects such as undue smoke, odor, and noise. The parking regulations will require sufficient parking spaces.

Member Schmidt seconded the motion. The motion passed 3:0.

Staff Item – None.

The meeting on February 15, 2023, adjourned at 7:10 p.m.

ATTEST:



Donna R. Todd

3-7-2023

Date

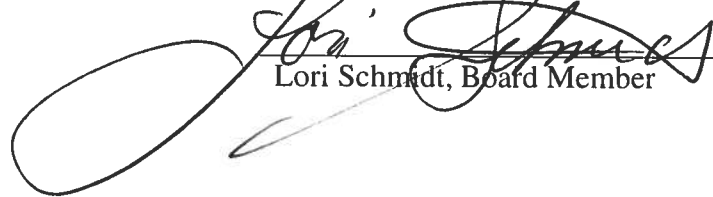
DENTON BOARD OF APPEALS:



Troy Livingstone, Chairperson



Florence Doherty, Vice Chairperson



Lori Schmidt, Board Member