

BEFORE THE TOWN OF DENTON BOARD OF APPEALS

**IN RE: FOR ALL SEASONS
APPLICATION FOR SIGN
VARIANCE**

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CASE NO. BOA-23-002

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MINUTES, FINDINGS OF FACT, CONCLUSIONS AND DECISION

The Board of Appeals held a Public Hearing on Monday, June 26, 2023, at 6:05 p.m., at the Denton Town Office to consider an application for a sign variance for For All Seasons, Inc. (hereinafter, the “Applicant”), from the strict application of the Town of Denton Zoning Code (Chapter 128-01, et seq.).

Board Members present were Chairperson Troy Livingstone, Vice Chairperson Florence Doherty, and Board Member Mary Lori Schmidt. Also present were Counsel for the Board, Chris Drummond, Water and Wastewater Superintendent, Mark Chandler, and Director of Planning and Codes, Donna Todd. Jonathan Qvarnstrom was present for the Applicant.

PROCEDURAL HISTORY

On May 1, 2023, the Applicant filed an application with the Board of Appeals seeking approval for a variance for installation of an additional projecting sign at 322 Market Street, Denton, Maryland, Caroline County Tax Map 103, Parcel 116.

The application was advertised in the Times Record for two consecutive weeks on June 7th and June 14th, a sign was posted on the property on June 12th, and all property owners within 200 feet of the property received written notification of the Public Hearing. All public notice requirements have been satisfied.

Mr. Drummond noted that the Public Hearing was rescheduled as the Applicant did not meet the public notice requirements for the June 12th Meeting.

SUMMARY OF PROCEEDINGS

On June 26, 2023, Chairperson Livingstone opened the Public Hearing at 6:05 p.m., followed by the Pledge of Allegiance.

Vice Chairperson Doherty read the Public Notice advertised in the Times Record for BOA-23-002 into the record.

Chairperson Livingstone swore in Jonathan Qvarnstrom, the representative of For All Seasons, Inc.

Mr. Qvarnstrom, provided a brief summary of the variance request for the additional projecting sign. The owner of the property signed the Board of Appeals application approving the variance for the projecting sign.

Mrs. Todd provided a memo to the Board verifying that no other comments were received from the public or other agencies, and the Historic and Architectural Review Commission reviewed and approved the proposed sign application on May 17, 2023, pending final approval of the variance from the Board of Appeals.

Mr. Drummond and the Board discussed the interpretation of the sign ordinance and determined the current sign ordinance should be amended for clarity.

Mrs. Todd clarified that historically projecting signs in the Central Business Commercial (CBC) District are allowed for businesses with storefronts. For All Seasons is located on the second floor of 322 Market Street and does not have a storefront. However, Denton Town Code §128-126 (J)(2) allows the Board of Appeals to increase the number of permitted projecting signs by one sign for special or unusual conditions justifying an increase in the number of signs. Since For All Seasons is located on the second floor of the building with no storefront, this may be considered a special or unusual condition.

TESTIMONY AND EVIDENCE

The Applicant's variance request is for an increase of one additional projecting sign in addition to the maximum number of signs permitted per building where special or unusual conditions justify increasing the number of signs. According to Mr. Qvarnstrom, the proposed projecting sign is important to For All Seasons as clients have been unable to locate their office.

Photo #1 in the application illustrates the proposed sign to be installed on the front of the building. The Applicant referred to Photo #2 and #3 illustrating the proposed location on the front of the building. The building has two existing permitted projecting signs advertising the commercial businesses located on the first floor.

An additional photo of the storefronts provided by the Historic and Architectural Review Commission was distributed to the Board.

The easel sign currently used by the Applicant will be replaced by the projecting sign and is temporary. A projecting sign and easel, or A-frame, sign is not a permitted combination of signs in the CBC District. The building located at 322 Market Street has a front entrance and rear entrance for clients to enter the building. Clients that park in the rear of the building enter through the rear entrance. There is an A-Frame sign within the rear entrance directing clients to the second floor. No signage is located on the rear of the building.

The Applicant has requested the owner to install a directory sign in the entrance hall within the building. To date, the owner has not responded to the Applicant's request.

DELIBERATIONS

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

Vice Chairperson Doherty suggested the Property Owner provide a directory sign to include all businesses on the sign.

The Board discussed the proper interpretation of the existing sign ordinance and Table of Sign Regulations for the Central Business Commercial (CBC) District at length. The Board concluded that the regulations are confusing and should be amended.

The proposed projecting sign's size is within the allowable size per the sign regulations. The additional projecting sign, if allowed, will not create cumulative signage area in excess of that which is permitted by the Town Code. The front entrance to the second floor of the building is recessed and not easily viewed from the sidewalk. A projecting sign would aid those looking for the office of For All Seasons to find it more readily.

There was discussion regarding the necessity for a variance given the contents of the Table Of Sign Regulations. Ms. Doherty inquired whether the Board could or should table a decision of the application until the Town Council considered amendments to the Code's sign regulations. Ms. Todd and Mr. Drummond explained that amending the sign ordinance would take several months for a comprehensive review by the Planning Commission and Town Council prior to introduction, public hearing, and adoption.

In the meantime, the Board would not be able to defer the application without determining a date to reconvene for a decision on the application.

Under Denton Town Code §128-126 (J)(2), the Board may allow an increase of one sign in addition to the maximum number of signs permitted per lot, building, or street frontage where special or unusual conditions of the lot or parcel justify increasing the number of signs. The proposed projecting sign may be allowed if the Board determines the rear second office space is a special condition.

FINDINGS AND DECISIONS

Variance Request – Board Member Schmidt made a motion to grant the variance for one projecting sign for the property located at 322 Market Street, Denton, Caroline County Tax Map 103, Parcel 116, zoned Central Business Commercial (CBC) in the location specified by the Applicant. The motion included a finding that the location of the Applicant's office and the configuration of the entrance hall for the second floor essentially require a projecting sign to alert the Applicant's clients to the location of the office on the second floor of the building. The motion also included the Board's recommendation that the landlord place a directory of all businesses in the building at the front and rear entrances of the building. The projecting sign will replace the A-Frame sign that will be removed when the permit for the projecting sign is issued.

Vice Chairperson Doherty seconded the motion. The motion passed (3:0).

Staff Item – None.

The meeting on June 26, 2023, adjourned at 8:00 p.m.

ATTEST:



Donna R. Todd

7-11-2023

Date

DENTON BOARD OF APPEALS:


Troy Livingstone, Chairperson


Florence Doherty, Vice Chairperson


Mary Lou Schmidt, Board Member