

**BEFORE THE TOWN OF DENTON BOARD OF APPEALS**

**IN RE: THE BARTLEY CORPORATION  
APPLICATION FOR  
SPECIAL EXCEPTION**

**Case No. BOA-24-001**

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**MINUTES, FINDINGS OF FACT, CONCLUSIONS AND DECISION**

The Board of Appeals held a Public Hearing on Monday, August 12, 2024, at 6:07 p.m., at the Denton Town Office to consider an application for a Special Exception for Andrew Bartley, The Bartley Corporation (hereinafter, the “Applicant”) on property located at 85 Engerman Avenue, Denton, Maryland (the “Property”).

Board Members present were Chairperson Troy Livingstone and Board Member Lori Schmidt. Board Member Vice Chairperson Florence Doherty was not in attendance. Also present were Counsel for the Board, Lyndsey Ryan, Town Administrator, Scott Getchell., Chief of Police, George Bacorn, Jr., and Director of Planning and Codes, Donna Todd, and Senior Code Enforcement Officer, David Renshaw. The Applicant’s Representatives, Andrew Bartley and William Hassan were present.

**PROCEDURAL HISTORY**

On June 28, 2024, the Applicant filed an application with the Board of Appeals seeking Special Exception approval for a combination use including trailer sales and equipment and maintenance building to be located at 85 Engerman Avenue, Denton, Maryland, Caroline County Tax Map 106, Parcel 2359, Lot 11. The Property received approval from the Planning Commission to construct an equipment storage/maintenance building and office on the Property. This request is to include trailer sales within the same building on the Property.

The application was advertised in the Times Record for two consecutive weeks on July 24<sup>th</sup> and July 31<sup>st</sup>, a sign was posted on the Applicant’s Property on July 24<sup>th</sup>, 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 August 12, 2024, Chairperson Livingstone opened the Public Hearing at 6:07 p.m., followed by the Pledge of Allegiance.

Board Member Schmidt made a motion to nominate Troy Livingstone as the Chairperson, seconded by Board Member Livingstone, passed unanimously (2:0).

Chairperson Livingstone made a motion to nominate Florence Doherty as the Vice Chairperson, seconded by Board Member Schmidt, passed unanimously (2:0).

Board Member Schmidt read the Public Notice advertised in the Times Record for BOA-24-001 into the record.

Chairperson Livingstone swore in Andrew Bartley and William Hassan.

Ms. Ryan advised the Applicant that only two members of the Board were present. She advised the Applicant that an affirmative vote of at least two members of the Board is required to effect any decision of the Board and asked the Applicant if he wished to postpone the presentation of his application until three members of the Board were present. The Applicant elected to proceed with two Board members present.

The Applicant and Owner of Bartley Corporation, Andrew Bartley, provided a brief summary of the application. The Applicant explained he and his partner, William Hassan, run a concrete construction company along with Bartley Trailers, which performs maintenance, repairs, and sells trailers. Miracle of Concrete, LLC, has been operating their concrete construction company at the location at 85 Engerman Avenue, Denton, for the past year and are requesting to add sales of trailers pursuant to this Application.

Mr. Bartley stated Miracle of Concrete, LLC, is part of the Industrial Park Owners Association and is aware of restrictions placed on the Industrial Park by covenants. The proposed retail location is shown on the site plan provided. The Applicant received a favorable recommendation for the sales of trailers during the July 30, 2024, Planning Commission Meeting.

Chairperson Livingstone asked if anyone came forward with questions regarding the special exception request.

Mrs. Todd distributed a memo dated August 12, 2024, confirming the property was posted, public notice was advertised, and notification was sent to all appropriate property owners. The Planning Commission recommended the Board of Appeals grant the Special Exception for the combination use including trailer sales and equipment and maintenance building at the Property. Brian Howard, Branch Manager of Hershey's Ice Cream, contacted the Town for more information on the request.

Board Member Schmidt asked for clarification on the size of the parcel.

Mr. Hassan stated the property is almost two times the size of what is shown on the site plan that has been provided.

Board Member Schmidt asked for the exact types of trailers they plan to sell at this location.

Mr. Hassan explained the types of trailers are landscape trailers hauled by a pickup truck. They vary in size from ten feet long to about twenty feet. They do not sell tractor trailers. The trailer business began due to the number of trailers required for their concrete business. Trailers are sold to their clients. Their business is a wholesaler of trailers, and they do not expect more than two customers per day.

Board Member Schmidt asked if they plan to have a showroom for the trailers.

Mr. Hassan stated there will be no trailers on display in or out front of the building.

Ms. Ryan asked the Applicant to explain at which location on the site plan are they selling trailers.

Mr. Bartley stated the small section in the building marked in a magenta color on the provided site plan will be used to conduct the sale from the 72 sq.ft. office space. The trailers will be stored in the purple area shown on the site plan that is located along a vinyl fence. The other section on the map is for an inspection bay that is part of a different application.

Chairperson Livingstone inquired about hours of operation.

Mr. Hassan stated the hours of operation are Monday through Friday, 8:00 a.m. – 5:00 p.m., and will not change.

Board Member Schmidt asked for clarification of the 12' x 34' area on the site plan and its use.

Mr. Hassan provided information on the trailer sales and explained the Bartley Corporation sells trailers to companies seeking custom orders. Orders are normally planned a year in advance, and trailer sales would occur out of that space.

Chairperson Livingstone asked if the Town has received any complaints regarding debris or runoff from the location.

Mr. Getchell stated no complaints have been made.

Board Member Schmidt asked if there will be any chemicals being used.

Mr. Hassan stated there will be none.

Ms. Ryan stated the Industrial Park Covenants apply to the Property, which have a limitation that states that retail sales can be permitted on site but are limited to ten percent (10%) of the total floor space. She noted that if the Board does approve the special exception, the Applicant must comply with the percentage allowed in the Covenants.

Mr. Bartley noted that inside the building area is a 9' x 8' (72 sq.ft.) office space, and the outdoor area for new trailer sales is 12' x 34' (408 sq.ft.), which is less than 10% of the total floor space.

### **DELIBERATIONS**

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

Chairperson Livingstone said he is in favor of granting the special exception for the combination use based on the testimony and evidence submitted by Andrew Bartley, Applicant, for property located at 85 Engerman Avenue, Denton, Maryland.

### **FINDINGS AND DECISIONS**

**Special Exception Request** – Chairperson Livingstone made a motion to grant the Special Exception application filed by Andrew Bartley, BOA-24-001, for a combination use including trailer sales and equipment and maintenance building. 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 Industrial (I) 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.

**Suitable for the property in question.**

**The appearance of the commercial building will not change and is 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 use of trailer sales and equipment and maintenance building 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.**

Member Schmidt seconded the motion. The motion passed 2:0.

Ms. Ryan noted for the record, even though the Board approved the Special Exception a written decision is required, and a thirty (30) day appeal process will follow. Time starts from the date of entry of an order, judgment, or other decision and shall be the date upon which it is finally approved by the Board of Appeals. Ms. Ryan doesn't recommend any construction until after the

appeals process and advised that the Town can not issue any permits until the expiration of the appeal period.

Mr. Hassan provided a copy of a form that the Applicant needs to submit to the MVA to permit the sale of trailers at the Property. Mr. Hassan asked if the Town would sign the application, to which Ms. Ryan advised that the Town cannot execute the application until after the expiration of the appeal period.

**Staff Item** – None.

The meeting on August 12, 2024, adjourned at 6:32 p.m.

ATTEST:

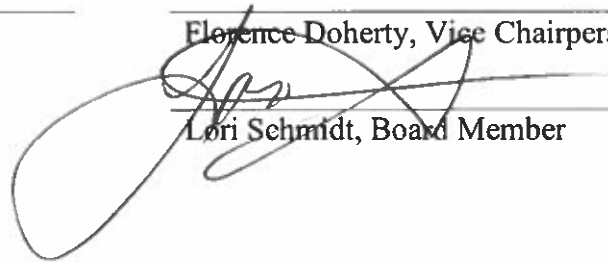
  
\_\_\_\_\_  
Donna R. Todd

8-23-2024  
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Date

DENTON BOARD OF APPEALS:

  
\_\_\_\_\_  
Troy Livingstone, Chairperson

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Florence Doherty, Vice Chairperson

  
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Lori Schmidt, Board Member