



File Number: \_\_\_\_\_

**Talbot County Department of Planning and Zoning**  
215 Bay Street, Suite 2  
Easton, Maryland 21601  
410-770-8030

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**Administrative Variance Application**  
**(Critical Area Shoreline Development Buffer)**

**Office Use Only:**

Application Filing Date: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_ Time: \_\_\_\_\_

The request is hereby made for an Administrative Variance of the Shoreline Development Buffer pursuant to the provisions of Chapter 190 of the *Talbot County Code*.

Property Owner: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

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Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Size: \_\_\_\_\_ Zoning: \_\_\_\_\_

Has the property ever been subject to previous Variance(s) or Appeal(s)? \_\_\_\_\_

If so, give case number(s) and date(s): \_\_\_\_\_

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Applicant's name, address & telephone number if different from owner: \_\_\_\_\_

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**Registered Engineer or Surveyor:**

Company Name: \_\_\_\_\_

Representative: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_ Fax Number: \_\_\_\_\_

**I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the foregoing Variance are true to the best of my (our) knowledge and belief.**

\_\_\_\_\_  
Applicant's/Agent Signature

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**Important: applications on which all required information is not furnished will be returned for completion before processing, and shall not be considered filed with this department.**

**Purpose of Variance:** Describe Variance requested; please note existing setback, proposed setback and date of construction for existing structure. Use separate attachment if necessary.

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Total of existing gross floor area located within Shoreline Development Buffer prior to August 13, 1989: \_\_\_\_\_. 20% of existing gross floor area \_\_\_\_\_

Proposed gross floor area located within Shoreline Development Buffer: \_\_\_\_\_

Any approved Administrative Variance for buffer encroachment under the provisions of Chapter 190 of the *Talbot County Code* shall be mitigated as follows:

- (a) The extent of the lot or parcel shoreward of the proposed construction shall be required to remain in natural vegetation, or shall be established and maintained in vegetation as listed in the Natural Vegetation Preferred Plantings List, available from the Department of Planning and Zoning.
- (b) Mitigation equal to an area two (2) times the square footage of the proposed lot coverage in the Shoreline Development Buffer area will be required to be planted within the Shoreline Development Buffer. Should on-site planting of required vegetation be precluded, an off-site Shoreline Development Buffer location may be established. The applicant shall be responsible for filing a Forest Preservation Plan with the Department of Planning and Zoning.
- (c) Should on-site or off-site Shoreline Development Buffer locations preclude the implementation of the preceding paragraphs, a fee-in-lieu shall be provided to the County adequate to ensure the restoration or establishment of an equivalent forest area in the Shoreline Development Buffer. The amount of the fee is established in the schedule of fees adopted by the County Council.

A planting plan meeting the specifications noted above shall be prepared for and submitted to the Department of Planning and Zoning for review and approval.

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Administrative Variance Application shall be accompanied by:

- \_\_\_\_\_ 1. Administrative Variance Checklist, Page 3.
- \_\_\_\_\_ 2. Administrative Variance Standards, Page 5.
- \_\_\_\_\_ 3. Independent Procedures Disclosure and Acknowledgement Form, Page 7.
- \_\_\_\_\_ 4. Property Directions, Page 8.
- \_\_\_\_\_ 5. Critical Area Lot Coverage Computation Worksheet or Included on the Plans, Page 9.
- \_\_\_\_\_ 6. Lot Coverage and Disturbance Calculation Sheet or included on the Plans, Page 10.



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**Administrative Variance Checklist**  
**(Critical Area Shoreline Development Buffer)**

**This application is limited to the expansion of legal nonconforming structures within the Shoreline Development Buffer along or no closer than the existing setbacks lines.**

In order for this application to be processed; **ALL** of the following checklist items must be checked and all of the required information must accompany this application and /or be included on the official site plan. Any application submitted **without** all of the required documentation will be returned as incomplete.

- \_\_\_\_\_ 1. The proposed addition does not enlarge the existing portion of the nonconforming structure constructed prior to August 13, 1989 by more than 20% of the gross floor area. If expansion is greater than 20% of the non conforming structure, the applicant must apply for a variance through the Board of Appeals.
- \_\_\_\_\_ 2. The subject structure is not a replacement of an existing structure.
- \_\_\_\_\_ 3. The proposed improvements will **not exceed** allowable lot coverage requirements as allowed in Chapter 190 of the *Talbot County Code*. Complete and attach the Critical Area Lot Coverage Computation Worksheet and Lot Coverage and Disturbance Calculations Sheet.
- \_\_\_\_\_ 4. Lot coverage calculations for the total area within the Shoreline Development Buffer, in square foot and percentage format have been included (Critical Area Lot Coverage Computation Worksheet).
- \_\_\_\_\_ 5. Application fee as determined by fee schedule adopted by County Council. Check shall be made payable to: Talbot County, Maryland.
- \_\_\_\_\_ 6. Elevation drawings of the project have been included with the application.

**Please submit ten (10) site plans with the following:**

- \_\_\_\_\_ 7. All stream(s) or bodies of water with appropriate setbacks.
- \_\_\_\_\_ 8. The closest existing point of the structure(s) to Mean High Water.
- \_\_\_\_\_ 9. The proposed setback(s) for each addition has been drawn from all property lines, as well as, from Mean High Water.
- \_\_\_\_\_ 10. All existing landscaped and forested areas.
- \_\_\_\_\_ 11. All dimensions of the subject property have been shown, to scale, and said scale has been identified on the site plan.
- \_\_\_\_\_ 12. The location(s) and sizes of all existing buildings and proposed additions including accessory and utility equipment (ex. HVAC units, generators).
- \_\_\_\_\_ 13. The locations and names of all adjoining road(s) have been included.
- \_\_\_\_\_ 14. Well, septic, driveway and all other existing features that would prohibit or hinder expansion have been shown on the site plan.

At the time the completed application is returned, a date will be scheduled for review by the Planning Commission. You may direct any questions to the Department of Planning and Zoning.

1. **Application for Variance**: Complete and submit the Administrative Variance Application. This application informs the Commission of the purposes of the application and provides general information. You may attach additional typewritten pages if more space is needed.
2. **Variance Requirements**: The Administration Variance Standards set forth the legal findings on which the Planning Officer and Planning Commission will base their decision. Please respond in writing to each of the warrants. The staff and Commission use this information to help them better understand your request. These documents contain questions you will be required to address during the review of your request. They are the basis for the Variance.
3. **Location Directions**: The applicant/agent is responsible for completing the Property Direction form to the property in question.
4. **Written Acknowledgement**: When the applicant is someone other than the owner of the property for which the Variance is requested, the applicant shall attach to the application affidavit from the property owner that he/she has reviewed the application and concurs with its content.
5. **Site Plan**: The applicant is responsible for preparing a site plan which includes: dimensions of the property, location of all existing buildings and proposed additions showing setbacks from property lines and names of adjoining road(s), stream(s), or bodies of water, and all other items as described and required by the Administrative Variance Checklist. The site plan must be drawn to scale. Submit ten (10) copies with the completed application.

**The following is provided for informational purposes only. Please read and if you have any questions please ask for clarification:**

**Meeting Notice**: Public notice shall be given for a public meeting for an Administrative Variance application requesting recommendation by the Planning Commission.

**Site Visit**: Members of the Department of Planning and Zoning and Planning Commission may visit the site for which the Variance is requested before the meeting; however, a decision on a variance shall be decided upon the basis of the evidence of record.

**Planning Office Staff Report**: Before making a recommendation for any application for an Administrative Variance the Planning Commission shall seek staff comments from the Department of Planning and Zoning. The Planning Office shall concern itself with the necessary findings when formulating its recommendation for an Administrative Variance. The Commission may request from the Planning Office such technical service, data, or factual evidence as will further assist them in reaching decisions.

**Planning Office Conditions of Approval**: In granting Administrative Variance, the Officer may impose conditions on the use or development of a property which is granted a variance. The County shall not issue a permit for the activity that was the subject of the variance to a Critical Area requirement until the 30 day appeal period has elapsed.

**Variance Time Limit**: A variance shall be implemented within 18 months following the date of approval. Upon written request before expiration of the initial time limit and for good cause shown, the approving authority may extend the variance approval for not more than one like period. Failure to implement the approval within the prescribed time voids the approval.

**Planning Officer Decision**: The Planning Director shall make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established as follows: In considering an application for a variance to Critical Area requirements the Planning Director shall presume the specific development activity in the Critical Area for which a variance is required does not conform with the general purpose and intent of the Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the County's Critical Area program. The applicant has the burden of proof to overcome this presumption of nonconformance. The decision and supported findings, along with any conditions attached to the decision shall be entered into and become part of the written record of the Administrative Variance request.

**Critical Area Notification**: The Planning Officer shall forward a copy of all Critical Area Administrative Variance applications to the Chesapeake Bay Critical Area Commission prior to Planning Commission review. Any comments received from the Critical Area Commission in response to an application for an Administrative Variance shall be forwarded to the Planning Commission and Planning Officer for consideration.

**Appeal of Planning Officer Decision**: The Planning Officer shall approve or deny an administrative variance pursuant to the standards for variances provided in Chapter 190 of the *Talbot County Code*. The Planning Director's decision may be appealed to the Board of Appeals.



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**Administrative Variance Standards**  
**(Critical Area Shoreline Development Buffer)**

**Variiances:** Permission to construct, alter, or occupy a particular building, structure or parcel of land in a way which is not in conformance with a provision or provisions of Chapter 190, Zoning, of the *Talbot County Code*, as a form of relief from its literal interpretations the applicant must demonstrate that:

- (a) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of Chapter 190 of the *Talbot County Code* would result in unwarranted hardship:

Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (b) A literal interpretation of the Critical Area requirements of Chapter 190 of the *Talbot County Code* will deprive the property owner of rights commonly enjoyed by other property owners in the same zoning district:

Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) The granting of a variance will not confer upon the property owner any special privilege that would be denied by Chapter 190 of the *Talbot County Code* to other owners of lands or structure within the same zoning district:

Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (d) The variance request is not based on conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property:

Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (e) The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat, and the granting of the variance will be in harmony with the general spirit and intent of the state Critical Area Law and the Critical Area Program:

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (f) The variance shall not exceed the minimum adjustment necessary to relieve the unwarranted hardship:

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (g) If the need for a variance to a Critical Area provision is due partially or entirely because the lot is a legal nonconforming lot that does not meet current area, width or location standards, the variance should not be granted if the nonconformity could be reduced or eliminated by combining the lot, in whole or in part, with an adjoining lot in common ownership:

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Planning Office's action will be predicated upon the applicant's compliance with the above.

**All structures and additions must be staked out upon submittal.**

\_\_\_\_\_  
Signature of Applicant or Designated Agent

\_\_\_\_\_  
Date



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**Independent Procedures Disclosure and Acknowledgement Form**

Proposed Project Name: \_\_\_\_\_

Physical Address of Property: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Agent/Attorney: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Applicant's Email Address: \_\_\_\_\_

Agent's Email Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Applicant acknowledges and understands:

1. This Application may be subject to local, state and federal laws, ordinances, rules, or regulations (hereafter "Laws") other than those that the Department of Planning and Zoning, Planning Commission or Board of Appeals reviews, administers, or applies in connection with this review.
2. Other agencies, including but not limited to the Talbot County Health Department, Division of Environmental Health, Maryland Department of the Environment, U.S. Army Corps of Engineers, Maryland Department of Natural Resources, US Fish and Wildlife Service and others may also have review authority over the project or development proposed in the application.
3. Applicant remains solely responsible for compliance with all applicable laws, ordinances, rules, or regulations.
4. Applicant understands that review of this Application does not necessarily include review of any other applicable laws.
5. Applicant understands that neither the Department of Planning and Zoning nor any of its employees has authority to grant permission or approval of any project or proposed development that violates any applicable law, ordinance, rule, or regulation of Talbot County, Maryland, and that any such approval issued in error has no enforceable legal effect.
6. Applicant understands that any decision issued by the Department of Planning and Zoning, Planning Commission or by the Board of Appeals does not necessarily guarantee or assure the applicant that this project or proposed development may proceed.

**I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney/Agent's Signature

\_\_\_\_\_  
Date







File Number: \_\_\_\_\_

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**Critical Area Lot Coverage Computation Worksheet**

\*\*\*One Acre = 43,560 square feet\*\*\*

**Section A**

For additions to existing structures, driveways, sidewalks & other lot coverage within the shoreline development buffer, calculate:

	X	<b>15%</b>	=	
Square footage of portion of the lot within the shoreline development buffer				Allowable lot coverage in square feet in square feet

Lots ½ acre or less which existed on or **before December 1, 1985** are limited to 25% of the parcel or lot in lot coverage.

	X	<b>25%</b>	=	
Square footage of the lot				Allowable lot coverage in square feet

Lots ½ acre or less which existed before **October 11, 2014 with an increase in critical area acreage due to Talbot County Bill 1294** are limited to 40% of the total lot area within the critical area (see attached example).

	X	<b>40%</b>	=	
Square footage of the lot in CA				Allowable lot coverage in square feet

Lots greater than ½ acre and less than 1 acre which existed on or **before December 1, 1985** are limited to **15%** of the parcel or lot in lot coverage.

	X	<b>15%</b>	=	
Square footage of the lot				Allowable lot coverage in square feet

Lots 1 acre or less in size that are part of a subdivision approved **after December 1, 1985\*** are limited to **25%** of the lot in lot coverage. *The total lot coverage for the entire subdivision may not exceed 15%.*

	X	<b>25%</b>	=	
Square footage of the lot				Allowable lot coverage in square feet

<i>Subdivision Name &amp; Number</i>	<i>Allowable lot coverage in square feet as specified on the <b>final approved</b> subdivision plat.</i>
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*\* For subdivision lots where the specified lot coverage allowance exceeds the values shown above, please provide a copy of the final approved plat indicating the specified lot coverage allocation.*

All other parcels or lots not previously noted are limited to **15%** of the parcel or lot in lot coverage.

	X	<b>15%</b>	=	
Square footage of the lot				Allowable lot coverage square feet

**Section B**

For parcels or lots ½ acre or less in size, total lot coverage does not exceed impervious surface limits as previously set forth in Section A by more than **25%** or 500 square feet whichever is greater.

	X	<b>25%</b>	=	
Permitted lot coverage in square feet				Maximum lot coverage in square feet or 500 square feet, whichever is greater

For parcels or lots greater than ½ acre and less than 1 acre in size, total lot coverage does not exceed lot coverage limits as previously set forth in Section A or 5,445 square feet, whichever is greater.

**Only the Talbot County Planning Officer may allow a property owner to exceed the lot coverage limitations set forth in Section A above. Additional best management practices are required in order to exceed the limits set forth in Section A.**



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**Critical Area Lot Coverage and Disturbance Calculations**

This worksheet will quantify disturbances and lot coverage associated with both existing and proposed construction on your building site.

**For Building Permit Applications within the Critical Area:**

Please complete columns 1, 2, and 3 below listing area of the first floor or ground level footprint of each existing and proposed structure or site amenity.

**For all Building Permit Applications Regardless of Zoning Districts:**

Please compute area and note in column four (4) ground disturbance associated with proposed construction by using the following criteria: 1) Include a 20-foot buffer around the footprint of the proposed structure or addition, 2) A 10 foot buffer shall be included on each side of the proposed driveway or sidewalk, 3) Disturbance for septic system placement is calculated to be 750 square feet. In column five (5), please record disturbance as listed in column (4) without the disturbance for the septic system.

	<u>Lot Coverage</u> <i>Critical Area</i>		<u>Disturbance</u> <i>All Zoning Districts</i>		
	(1) Existing Lot Coverage (sq. ft.)	(2) Proposed Lot Coverage (sq. ft.)	(3) Total of 1 & 2 (sq. ft.)	(4) Disturbance (sq. ft.)	(5) SWM Disturbance (sq. ft.)
Driveways/sidewalks					
House					
Addition(s)					
Septic					
Detached garage					
Outbuildings					
Swimming pools					
Tennis courts					
Guesthouse/tenant					
Other (specify)					
<b>TOTALS:</b>					

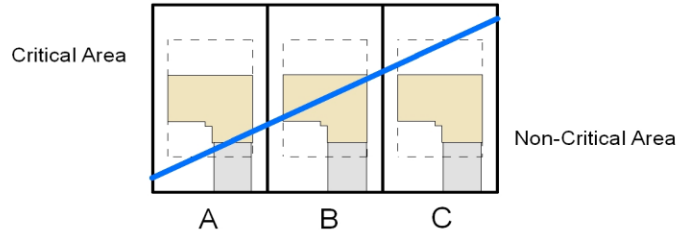
It shall be necessary to contact the Department of Public Works at 410-770-8170 to apply for a Stormwater Management Plan on all lots where disturbance during construction is 5,000 square feet or greater.

The applicant must contact the Soil Conservation District Office at 410-822-1577 to apply for a Sediment and Erosion Control Plan for lots less than 2 acres where disturbance during construction is 5,000 square feet or greater, or for lots 2 acres or larger where disturbance during construction is greater than 21,780 square feet.

**Examples:** Where adoption of the *Official Zoning Maps of Talbot County, Maryland* increases the Critical Area of a lot of record existing as of October 11, 2014, lot coverage limitations are illustrated in the following examples.

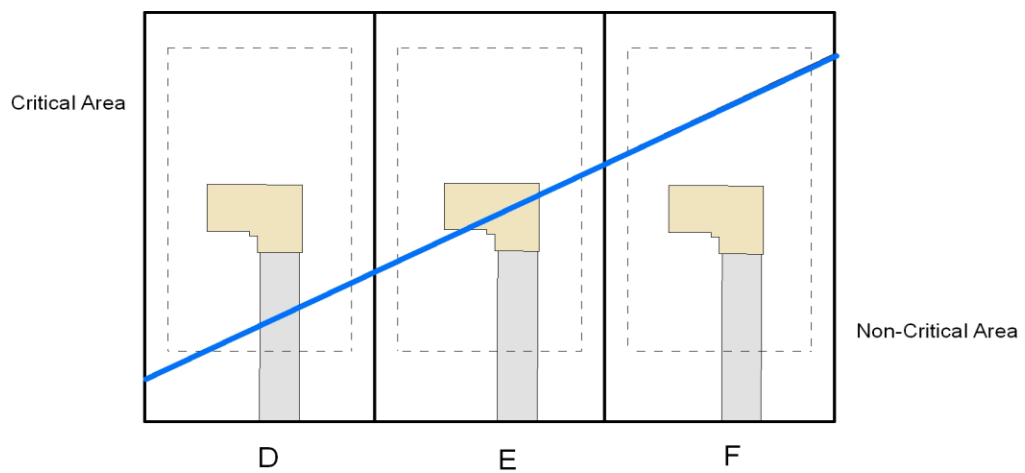
**Bill No. 1294**

**10,000 sq ft Lots  
40% Lot Coverage  
Typical Residential 2,200 sq ft Building Footprint  
with 24 ft wide Driveway**



Example	Lot Size	CA Lot Coverage (Impervious)	Area of Lot in CA (sq ft)	Permitted Lot Coverage (sq ft)	Occupied Impervious In CA (sq ft)	Remaining Impervious in CA (sq ft)
A	10K sq ft	40%	8,000	3,200	2,184	1,016
B	10K sq ft	40%	5,000	2,000	923	1,077
C	10K sq ft	40%	2,000	800	0	800

**1 Acre Lots  
15% Lot Coverage  
Typical Residential 2,500 sq ft Building Footprint  
with 25 ft wide Driveway**



Example	Lot Size	CA Lot Coverage (Impervious)	Area of Lot in CA (sq ft)	Permitted Lot Coverage (sq ft)	Occupied Impervious In CA (sq ft)	Remaining Impervious in CA (sq ft)
D	1 Ac	15%	34,850	5,228	3,648	1,580
E	1 Ac	15%	21,780	3,267	1,403	1,864
F	1 Ac	15%	8,710	1,306	0	1,306