



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

Minor Special Exception Modification Application

Refer to Chapter 190, *Talbot County Code* for Minor Amendments authorized by the Planning Director.

Please read the attached material thoroughly. The documents in the application packet should be completed and delivered to the Talbot County Department of Planning and Zoning. Application fee as determined by fee schedule adopted by County Council. Checks shall be made payable to: Talbot County, Maryland.

1. **Application for Minor Special Exception Modification:** Complete the "Purpose of Appeal". This informs the Planning Officer of what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Minor Special Exception Modification Requirements:** These documents contain standards as defined in § 190 of the *Talbot County Code* that you will be required to address. They are the basis for the appeal. All questions must be addressed, do not leave any questions unanswered.
3. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
4. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing and proposed buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads, streams, or bodies of water. The site plan must be drawn to scale. Please submit two (2) copies of the site plan, floor plans, and elevations drawings.
5. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property for which the Special Exception is requested, the Applicant shall attach to the application a letter of authorization from the owner stating that he/she has reviewed the application and concurs with its content.
6. **Incomplete Application:** If the application is deemed incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. Federal, State and/or local permits or approvals may be required to be obtained prior to application submittal.
7. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.
8. **Miscellaneous:** Submit all copies of any letters, affidavits, memos or documents that are referenced within your application.

Informational Purposes only Minor Special Exception Modification

Site Visit: All structures must be staked when application is submitted to this office. However, a decision on a Minor Special Exception Modification shall be decided upon the basis of the evidence of record.

Minor Special Exception Modification: The enlargement or alteration of a use or of the structure and facilities occupied by a use, which was previously allowed by a Special Exception approval, shall require a Special Exception use amendment. Such an amendment shall be reviewed following the same procedures required for a Special Exception as listed above except that the Planning Officer may approve the amendment if the amendment is determined to be minor as defined in §190.

No amendment shall be considered which does not involve the enlargement or alteration of a use, or of the structures and facilities occupied by a use, except on the grounds of new evidence or proof of change of conditions.

Expiration of a Minor Special Exception Modification: A Special Exception Modification shall lapse and become null and void (18) eighteen months following the date on which it was approved, unless prior to the expiration date, construction is commenced and diligently pursued toward completion, or unless the use for which the permit was granted is commenced within (18) eighteen months, or unless an application for renewal (for (18) eighteen months only) is granted by the Planning Director prior to the expiration date. The permit shall remain in effect so long as the use for which it was issued remains in operation.

A Special Exception shall be transferable, without formal or written confirmation to subsequent owners of a property, provided that there is no significant change in the character of the site or of the use. Any conditions attached to the approval shall continue to be binding by subsequent owners of the site.

The Department of Planning and Zoning may not give advice with regard to this application nor assist in the preparation.

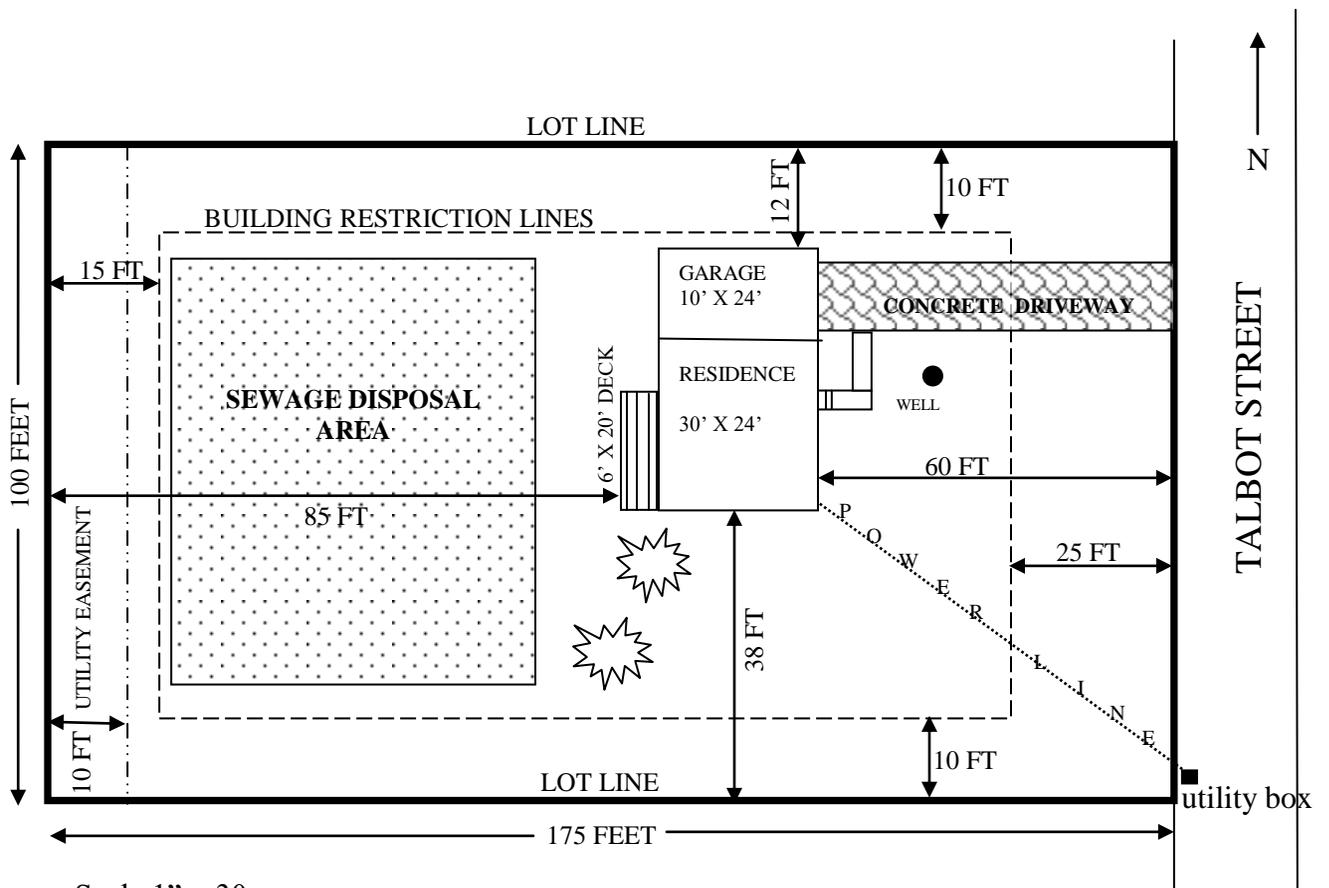


Site Plan Requirements

(Residential Variances, Nonconforming Uses and Special Exceptions)

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN



Scale 1" = 30

= Oak trees (mature)

EXAMPLE Not To Scale



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Minor Special Exception Modification Application

Office Use Only:

Application Filing Date: _____ Fee Paid: _____

Check Number: _____ Time: _____

Purpose of Appeal: State fully the kind of exception desired and reasons therefore. Please give a detailed description, may be written or typed on a separate page if needed, label as Attachment A.

Location of Property: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Size: _____ Zone: _____

Property Owner: _____

Address of Owner: _____

Telephone Number: _____ Cell Number: _____

Fax Number: _____ Email: _____

Applicant's Name, Address & Telephone Number(s) if different from property owner: _____

Has above property ever been subject of previous Department of Planning and Zoning, Planning Commission or Board of Appeals Proceedings?
If so, give Application number(s) and date(s) _____

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

Applicant's/Agent's Signature

Date

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.



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Minor Special Exception Modification Standards

Chapter 190 Zoning – Talbot County Code

Special Exception – Burden of Proof

The applicant for a special exception shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Planning Director.

A Minor Special Exception Modification may be granted only when the Planning Officer finds from a preponderance of the evidence proposed use will satisfy all of the following standards:

- (1) The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

Applicant Response:

- (2) The use will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance.

Applicant Response:

- (3) The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area, and will not be detrimental to the economic value of neighboring property.

Applicant Response:

- (4) The use will not constitute a nuisance to other properties and will not have significant, adverse impacts on the surrounding area due to trash, odors, noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances.

Applicant Response:

- (5) The use will not have significant adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

Applicant Response:

- (6) The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic.

Applicant Response:

- (7) The use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County, based on the road classifications established in Chapter 134, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity.

Applicant Response:

(8) Any vehicle access to proposed off street parking areas and drive in facilities will be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to a developed residential area.

Applicant Response:

(9) Any use will not significantly adversely affect wildlife with respect to the site’s vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife.

Applicant Response:

(10) The use will not significantly adversely affect adjacent existing agricultural uses.

Applicant Response:

All standards above must be addressed, do not leave any questions unanswered.

County action will be predicated upon the applicant’s compliance with the above.

The Applicant is responsible for providing compliance with each finding and requirement, and consistency with Chapter 190 of the *Talbot County Code* and the intent of the critical area law.

Applicant’s/Agent Signature

Date

References:

- 1. Talbot County Comprehensive Plan
- 2. Talbot County Code
- 3. File

Location of all proposed structures must be staked out prior to the Planning Office site visit.



File Number: _____

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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 Signature

Date

