



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

Minor Expansion of Nonconforming Structure Procedures (Critical Area)

Refer to Chapter 190, *Talbot County Code*. **If your project exceeds 20% gross floor area of nonconforming portion of structure you may not continue with this application, you shall submit a variance application to the Talbot County Board of Appeals.**

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.

At the time the completed application is returned with all forms signed and dated, your hearing, sign posting and other pertinent dates (will be scheduled). The applicant/agent is responsible for noting and complying with these dates. Direct any questions to Department of Planning and Zoning at (410) 770-8030.

1. **Application for Expansion of Nonconforming Structure:** Complete the "Purpose of Appeal". This informs the Planning Officer/Planning Commission 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. **Expansion of Nonconforming Structure Requirements:** These documents contain standards as defined in Chapter 190 of the *Talbot County Code* that you will be required to address during the hearing. 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 the 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 ten (10) copies of the site plans needed for your project along with one (1) additional copy if within the 100' buffer, one (1) additional copy if property is located on a state highway and one (1) additional copy for any other agency that may need a copy for review.
5. **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 a letter of authorization from the owner stating that he/she has reviewed the application and concurs with its content.
6. **Incomplete Application:** The application shall be delivered to the Department of Planning and Zoning. 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. **Site Visit:** All proposed structures and piers must be staked when application is submitted to this office as there will be a site visit to the property during planning review of the application. However, a decision on a variance shall be decided upon the basis of the evidence of record.
9. **Variance Time Limited:** The Planning Director/Planning Commission may impose a time limit within which a variance must be put into effect.
10. **Conditions of Approval:** In granting variances, the Planning Director may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surroundings properties.

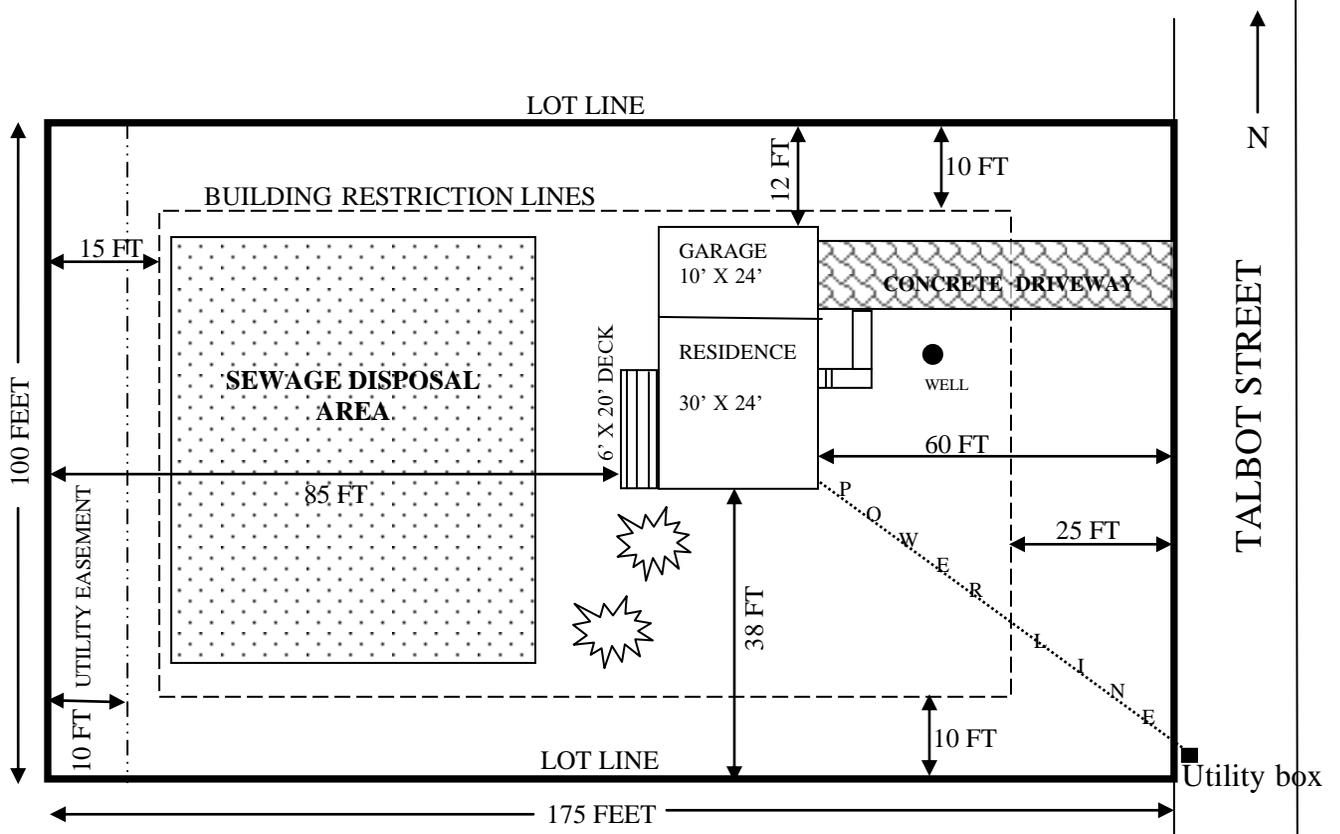
The Department of Planning and Zoning may not give advice with regard to this application nor are they permitted to assist in the preparation.



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 (Critical Area)**

- 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, 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.



Scale 1" = 30

= Oak trees (mature)

EXAMPLE Not To Scale

File Number: _____



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**Minor Expansion of Nonconforming Structure Application
(Critical Area)**

Office Use Only:

Application Filing Date: _____ Fee Paid: _____
Planning Commission Date: _____ Time: _____

Application submittal the following must be included: Ten (10) copies of the Site Plan drawn to scale, showing all existing structures, the addition to the nonconforming structure, distances of required setbacks, well, septic, driveway and an elevation drawing. Complete the critical area lot coverage calculation sheet. Application fee as determined by fee schedule adopted by County Council. Check shall be made payable to: Talbot County, Maryland. After acceptance of a complete application you will be scheduled to appear before the Planning Commission for a recommendation to the Planning Officer.

The expansion shall not enlarge the existing structure by more than 20 percent of the gross floor area of the nonconforming portion of the structure existing on August 13, 1989. If the expansion is greater than 20% of the gross floor area the applicant must apply for a variance through the Board of Appeals.

In Critical Area outside the Shoreline Development Buffer, total gross floor area of non-conforming portion of the structure existing as of August 13, 1989 _____.
20% of 1989 gross floor area _____.

Proposed gross floor area of expansion: _____

Minor Expansion of Nonconforming Structure Application shall be processed and evaluated in accordance with the procedures and standards for minor variances in Chapter 190 of the *Talbot County Code*.

A minor expansion may be granted by the Planning Director for a nonconforming structure, provided the structure is not located within the Shoreline Development Buffer and the proposed expansion complies with the limits established in Chapter 190 of the *Talbot County Code*, Nonconforming Structures.

A recommendation from the Planning Commission shall be required for a minor variance for:

- (a) A structure or site currently conforming to bulk requirements; or,
- (b) Minor expansion of a nonconforming structure if the requested variance is from a Critical Area requirement.

The Planning Director may request a recommendation from the Planning Commission for minor variance applications other than those listed above.

Property Owner: _____

Address of Owner: _____

Telephone Number(s): _____ Cell Number: _____



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**Expansion of Nonconforming Structure Requirements
(Critical Area)**

The minor expansion of a Nonconforming Structure application shall be processed and evaluated in accordance with the procedures and the standards for Minor Variances:

Variances: To authorize upon appeal in specific cases such variance from the terms of the *Talbot County Code* as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the code shall not be granted unless and until the applicant has demonstrated that:

The applicant for a variance 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/Planning Commission.

In order to grant, vary or modify the minor variance provisions of Chapter 190, the Planning Director must determine that the application meets all of the following criteria:

- (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 *Talbot County Code* would result in unwarranted hardship.

Applicant Response:

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

Applicant 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 *Talbot County Code* to other owners of lands or structures within the same zoning district.

Applicant 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.

Applicant 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.

Applicant Response:

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

Applicant 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.

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.

Signature of Applicant/Agent

Date

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 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

