

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF * CASE NO. SPEX-23-5
6670 CEDAR COVE, LLC * MODIFICATION OF SPECIAL EXCEPTION
* * * * *

The Board of Appeals (the “Board”) held a hearing on February 26, 2024 in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of 6670 Cedar Cove, LLC (the “Applicant”). The Applicant requested a Modification of a Special Exception for the property located at 6670 Cedar Cove Rd., Royal Oak, MD 21662 (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Patrick Forrest, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance M. Young were present. Board Secretary Christine Corkell and Elisa Deflaux, Planner, appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicant requested modification of an existing Special Exception, Appeal #51 dated December 13, 1962. The Applicant seeks to remove limiting descriptive language in the Special Exception, which refer to guests of the property as “attending conferences of various national organizations.” All Board Members visited the property.

SUMMARY OF TESTIMONY

Attorney Zach Smith appeared on behalf of the Applicant. The Property has been used as a retreat/conference center since the 1960s. It was granted Special Exception use by Appeal #51 on December 13, 1962. The Talbot County Planning Officer issued a letter, dated May 31, 2022, certifying that the Property is a legally nonconforming retreat center and lodge.

The 1962 Special Exception describes the Property in a manner that could be interpreted as a limitation. It describes the Property as a private club ... “of persons attending conferences of various national organizations.” According to Mr. Smith, while the Property has been used as a conference center for decades, it has not limited conferences to “national organizations.”

The Applicant is not requesting to expand the use. It merely wants to clarify that such language does not limit who may attend conferences or retreats at the Property.

The Critical Area Commission has reviewed the request and has no comment. The Talbot County Planning Commission unanimously recommends approval of the request.

Mr. Smith contends that the request is consistent with the Comprehensive Plan, which states, in Section 7.10, that “The County should support and encourage the appropriate

enhancement, redevelopment, and reinvestment in existing tourism related nonconforming structures and uses so that they may contribute positively to the County's economic base."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The language that Applicant seeks to remove is highlighted in the following paragraph of the Special Exception, Appeal #51, dated December 13, 1962:

Be it further resolved by the Board of Zoning Appeals for Talbot County that Charles H. Brown and Jean M. Brown be and they are hereby granted as a special exception permission to use that portion of Cedar Point Farm they are purchasing from Louis H. Plansoen, more particularly described in Appellants' Exhibits Nos. 3 and 4, as a private club for the housing, feeding, sleeping and entertainment of persons attending conferences of various national organizations ...

The Board grants the request to clarify that the Special Exception use is not limited to those attending conferences "of various national organizations."

The Board finds by a preponderance of the evidence that the request satisfies the requirements of the Talbot County Code, § 190-56.2.

1. The use will remain consistent with the purposes and intent of the Talbot County Comprehensive Plan. The request does not actually change the use of the Property. The Comprehensive Plan does not seek to limit Talbot County tourism to "national organizations." The Board finds that a less restrictive use (a conference center for all groups) is consistent with Economic Development Policy 7.10 of the Comprehensive Plan, which is cited herein above.

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. The use is legal nonconforming and the Applicant is not seeking to expand or enhance the use. The request is merely to clarify that the use is not limited to national organizations.

3. The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses, with existing and potential uses in its general area, and will not be detrimental to the economic value of the neighboring property. The Applicant's request does not alter this criteria for Special Exception.

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. The Board finds from the testimony provided that the use will not be any different from what has occurred on the Property since the 1960s. The Applicant has also agreed to limit its own operations by private covenant to ensure harmony with its immediate neighbors.

5. The use will not have a 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. Granting the request for a modification does not change the Property's impact on these services.

6. The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic. Granting the request for a modification does not change the Property's impact upon marine, pedestrian, or vehicular traffic.

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. Granting the request will not change traffic volumes.

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. Access to the property will not be altered. No changes to vehicular access, maneuvering and/or parking are proposed.

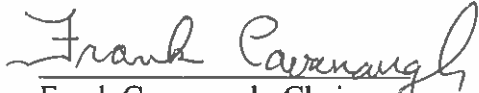
9. The use will not significantly adversely affect wildlife with respect to the site's vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife. There are no proposed physical changes to the Property.

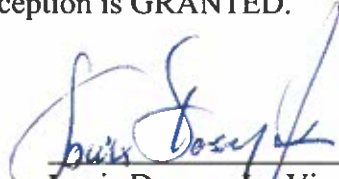
Documents on Record

1. Application for Special Exception.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Special Exception standards.
7. Staff Report.
8. Planning Commission recommendation.
9. Sign maintenance agreement/sign affidavit.
10. Comments from Critical Area Commission.
11. Authorization letter.
12. Independent Procedures Disclosure and Acknowledgement Form.
13. Aerial photo.
14. Site plan.
15. Exhibit A – Decision #51.
16. Exhibit B – Letter from Miguel Salinas, R-22-006.
17. Exhibit C – Declaration of Covenants and Restrictions.


Vice Chairman Dorsey moved to grant the modification of Special Exception. The motion was seconded by Mr. Krebeck. Based upon the foregoing, the Board, by a unanimous vote, grants the Special Exception modification by clarifying that the use is not limited to those “attending conferences of various national organizations.”


IT IS THEREFORE, this 5th day of March, 2024, **ORDERED** that the Applicant’s request for modification of the special exception is GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Patrick Forrest


Zakary A. Krebeck


Jeff Adelman