

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF * CASE NO. SPEX-26-4

JULIE KILMON ANDREWS * SPECIAL EXCEPTION

* * * * *

The Board of Appeals (the “Board”) held a hearing on September 21, 2026, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Julie Kilmon Andrews (the “Applicant”). The Applicant requested a Special Exception for a property located at 25939 Royal Oak Rd., Royal Oak, Maryland (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey Jr., Board Members Meredith Watters, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance M. Young were present. Board Secretary Christine Corkell and Planner Andrew Nixon appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicant requested approval for a Special Exception to demolish an existing 2,580 SF commercial retail building and construct a new 2-story building with 5,310 SF of Gross Floor Area in the Village Hamlet zoning district. The Applicant also requested a Non-Critical Area variance of the 50’ setback from the state highway to construct the new building at 12’ from the front property line.

On September 2, 2026, the Planning Commission unanimously voted to provide a positive recommendation to the Board of Appeals for approval.

SUMMARY OF TESTIMONY

The Applicant was represented by Adam Ruf of Rauch, Inc., accompanied by the Applicant, Julie Kilmon Andrews.

Mr. Ruf testified that the existing structure is an established retail antique store. The Applicant seeks to redevelop the structure to bring merchandise that has historically been stored outdoors into the indoor structure, thereby substantially improving the curb appeal and aesthetic presentation of the Property.

Mr. Ruf further stated that the project will reduce impervious surface coverage within proximity of the 100-foot shoreline development buffer. The project will also improve site access, traffic circulation, and parking. Specifically, the new site plan eliminates the hazardous condition wherein vehicles must back out directly onto the adjacent state highway to leave the Property. An existing gravel area will be removed. A variance is necessary because of the physical constraints of the Property, which include a 50-foot state highway setback and a 100-foot shoreline buffer.

Mr. Ruf demonstrated on the site and utility plan submitted with the Application that the requested variance will allow parking to be maintained to the right of the structure and distant from the shoreline buffer. The resulting distance from the state highway will also be consistent with surrounding properties.

Mrs. Andrews testified that her intent is to clean up merchandise on the property across the road by moving it indoors, which will enhance the visual character of the surrounding area. Mrs. Andrews further testified that she operates without employees and that her antique shop does not host special events that generate increased traffic.

Mr. Ruf noted that the proposed structure minimizes its ground footprint by utilizing a two-story design. He acknowledged that the VH district limits gross floor area to 2,000 square feet but contended that the proposed building design aligns with the intent and spirit of the zoning code.

The State Highway Administration ("SHA") issued no comments in opposition to the state highway variance. Planner Andrew Nixon testified that final site plan approval will be contingent upon SHA approval.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

All members of the Board have personally visited the site, and this decision is based upon the Board's direct visual observations, the testimony of the witness, submitted written narrative, and the comprehensive written record.

The Board generally finds that the requested special exception and variance will improve traffic and safety by eliminating vehicles from having to back onto a state highway. While not criteria for these applications, it will also improve environmental impacts of the Property by eliminating impervious cover within the 100' shoreline development buffer, improving the septic system, and stormwater runoff.

The Critical Area and state highway setbacks were not in existence when the Property was developed. The improvements will be an improvement to the area by moving merchandise from the outdoor areas to within the new structure. Outdoor storage is not permitted by County ordinance. This Board's decision is contingent upon the Applicant abiding by the County's zoning laws relevant to the Property, including prohibitions on outdoor storage.

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 be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

Economic Development Policy 7.1, of the Comprehensive Plan, states that, "The County will continue to support the Office of Economic Development in its efforts to retain and/or expand existing businesses within the County and to market the Midshore Region as a premier location

for a broad range of innovative businesses which will accentuate and capitalize upon the area's assets while preserving its rural character." With the antique store having operated in the community for over 60 years, the proposed project represents a major reinvestment and improvement over existing conditions. The current building is dilapidated, and the new structure will provide adequate interior space to eliminate outdoor display areas entirely. The architectural plans reflect a quintessential country store aesthetic that is compatible with the small village character of Royal Oak.

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.*

General retail commercial uses are permitted by special exception within the VH zoning district. While the district generally limits gross floor area to 2,000 square feet and prohibits outdoor display areas, the Board finds that the special exception and associated site configuration appropriately balances these standards by replacing an inadequate structure, expanding indoor capacity, and eliminating all outdoor display.

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 proposed use will not adversely impact the economic value of neighboring properties. The antique store has operated since the 1960s within an established mixed-use area comprising commercial and residential properties. The architectural design is scaled appropriately for compatibility with surrounding properties.

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 features (resulting from the structure).*

The project will undergo Major Site Plan approval process. Based on the record and testimony, the Board finds that the use will generate no negative impacts regarding noise, odor, glare, pollution, or general nuisance.

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

Because the commercial use has existed on the site for decades, no increased strain on public facilities is anticipated. The redevelopment includes connecting the new building to the public sewer system and reconfiguring the parking area for improved safety.

6. *The use will not have a significant, if any, adverse effect upon marine, pedestrian, or vehicular traffic.*

The project will improve local traffic patterns and pedestrian safety by reconfiguring the parking layout and moving access off Royal Oak Road onto Acorn Alley, thereby eliminating the dangerous practice of customers backing directly onto the main roadway.

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.*

The construction of the replacement commercial building will generate minimal, if any, increase in traffic volumes along Royal Oak Road, remaining well within roadway capacity limits.

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.*

The site plan shows that the relocation of the parking area to the side of the building will improve the safety of both the vehicles accessing the site and any local bicycle and pedestrian traffic. No impacts are anticipated on the private road or neighboring residential properties.

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.*

The redevelopment will have a positive environmental effect on wildlife habitat. Existing improvements located within the shoreline development buffer will be removed, and all new structural improvements will be sited outside the buffer.

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

No agricultural lands exist in immediate proximity, and no impacts to agricultural operations are anticipated.

The Board addresses the standards for a Non-Critical Area variances set forth in the Talbot County Code, § 190-58.3.

A. Unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of this chapter would result in practical difficulty or unreasonable hardship in enabling the applicant to develop or use the property;

The unique shape of the Property, combined with the strict regulatory constraints of the 100-foot shoreline development buffer and the 50-foot state highway setback, severely restricts

the buildable area. The proposed building placement avoids structural encroachments within the buffer while maintaining a functional layout for the replacement structure and parking.

B. The need for the variance is not based upon circumstances which are self-created or self-imposed;

The existing building was constructed in the late 1970s, predating the enactment of current setback lines and the 100-foot shoreline development buffer. The variance is necessitated by pre-existing legal non-conformities and environmental constraints rather than any self-created hardship.

C. Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance;

The application is not driven by financial gain or ignorance of the law. The request stems from a need to modernize showroom space, eliminate outdoor storage violations, and ensure safe on-site traffic circulation.

D. The variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties;

The proposed 12-foot setback from Royal Oak Road aligns with or exceeds setbacks exhibited by neighboring properties along the corridor. The visual upgrade of the new structure provides a benefit to the public interest and surrounding landowners.

E. The variance shall not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship.

The chosen building footprint represents the minimum relief necessary to accommodate the functional requirements of the established retail use while respecting environmental boundaries.

Documents on Record

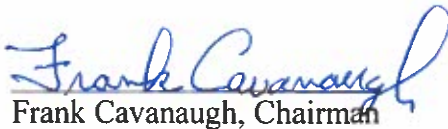
1. Application for Special Exception and Non-Critical Area Variance.
2. Tax Map with subject property highlighted.
3. Notice of Public Hearing for Advertising.
4. Newspaper Confirmation.
5. Notice of Public Hearing with List of Adjacent Property Owners attached.
6. Special Exception Standards.
7. Non-Critical Area Standards.
8. Staff Report, prepared by Elisa Deflaux.
9. Planning Commission's Recommendation.
10. Sign Maintenance Agreement/Sign Affidavit.
11. Comments from State Highway Administration, Henry Dierker 8/3/26.
12. Authorization letter.
13. Independent Procedures Disclosure and Acknowledgement Form.

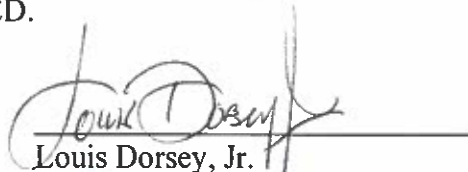
14. Aerial Photo.
15. Photos of subject property, submitted by Andrew Nixon.
16. Plat labeled Overall Site & Utility Plan, dated 7/17/26.
17. Site plan set prepared by Rauch, Inc. (11 pages).
18. Floor Plans.
19. Elevation Plans.
20. Decision No. 233.

Mr. Krebeck moved to grant the Special Exception and Variance subject to staff conditions with emphasis that this Decision only grants the relief set forth herein and that the Applicant must obey all other zoning laws, including the prohibition of outdoor storage. Mr. Adelman seconded the motion. Based upon the foregoing, the Board, by unanimous vote, grants the Special Exception and Variance subject to the following conditions:

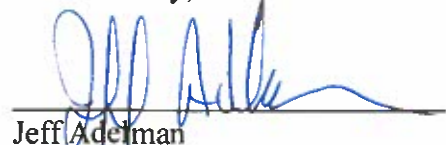
1. The Applicant shall make an application to the Planning and Zoning Department, and follow all rules and procedures as outlined regarding Major Site Plan approvals.
2. Upon receiving final approval for the required Major Site Plan, the Applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and inspection timelines regarding commercial building permits within eighteen (18) months of the date of this approval.
3. This approval is only for the requested improvements and additions in this application and does not cover or permit any other changes or modifications. Items not specifically addressed in this application may require additional approvals.

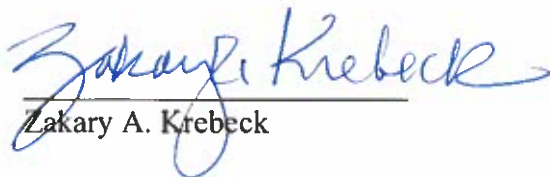
IT IS THEREFORE, this 13th day of October 2026, **ORDERED** that the Applicant's request for Special Exception is GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr.


Meredith Watters


Jeff Adelman


Zakary A. Krebeck