

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF	*	CASE NO. CAVR-24-8
AMY AND MARC MEADOWS	*	VARIANCE REQUEST APPLICATION (Critical Area)

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The Board of Appeals (the “Board”) held a hearing on April 7, 2025, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Amy and Marc Meadows (the “Applicants”). Applicants requested Critical Area variances for the property at 4320 Bonfield Court, Oxford, Maryland (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Patrick Forrest, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance Young were present. Board Secretary Christine Corkell and Planner Andrew Nixon appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicants requested two Critical Area variances to (1) demolish an existing rear deck and replace it with a larger deck with steps, and (2) construct a new walkway. Both improvements will be within the 100-foot Shoreline Development Buffer (“Buffer”). These items will be constructed in conjunction with a new pool and patio, which do not require a variance.

SUMMARY OF TESTIMONY

The Applicants were represented by landscape architect Robert Bell, of Bell Design, Inc. Mr. Bell provided testimony. The variances are necessary for the Applicant’s ability to construct a new deck and steps, as well as a walkway. Each of these improvements will be necessary to support a pool on the residence. The walkway will allow foot traffic from the driveway of the residence to the pool area.

The improvements will benefit the Critical Area. The proposed deck is pervious and will be replacing a deck that is impervious. Mr. Bell presented his written responses to the criteria for approval of the Critical Area variances. The Board has received those responses and have considered the responses for the purpose of reaching this decision.

Mr. Bell responded to questions regarding the walkway. As articulated by the Critical Area Commission letter, dated March 26, 2025, the drawings submitted appear to illustrate that the walkway is not necessary because access to the pool can be reached from the residence. Mr. Bell considers the walkway a part of the pool terrace and it will be permeable. It is needed for guests who access the pool from the garage/driveway. The submitted plans give the appearance

that the walkway is a path from nowhere to nowhere, but the plans merely show the portion of the walkway that is necessary for the variance.

County Planner Andrew Nixon testified that the County Code allows a walkway to the pier without a variance. Further, if the walkway were submitted as part of the in-kind patio replacement, it would not require a variance, but it does so because of the different (permeable) materials that will be used. The proposed project was carefully prepared to reduce impacts in the Buffer (by approximately 870 sf) while utilizing the existing use.

The improvements at issue are legally nonconforming and the property has a certificate of nonconformity from the Planning Officer. As part of the project, the new pool and patio, which do not require a variance, will be smaller in size and moved further from the Mean High Water Line ("MHWL").

FINDINGS OF FACT AND CONCLUSIONS OF LAW

All Board members have visited the site, and this decision is based upon the Board's observations, as well as the testimony and written responses submitted by the Applicants.

The Board finds that the walkway is necessary to get to the pool patio and that once it reaches the patio, it becomes a softer, permeable edge to the patio that would be permissible as an in-kind replacement to the patio if it used the same, less environmentally desirable material. The Board finds that it would create an unwarranted hardship to deny the patio extension because it uses a better material for the Critical Area and reduces the runoff more than the existing configuration.

The Board addresses the standards for a Critical Area variance set forth in the Talbot County Code, § 190-58.4.

- 1. Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship.*

The Board finds that denial of the variances would result in an unwarranted hardship. The house and pool were constructed prior to the implementation of the 100-foot Buffer. There is a certificate of nonconformity. The age and condition of the pool and patio require replacement. The new deck, while larger than the existing deck, will meet pervious deck requirements, which will reduce lot coverage. The walkway is necessary to accommodate guests who approach the area from the driveway/garage. The walkway, which is also a replacement, covers more square feet but reduces overall lot coverage in the Buffer, reducing it from 2,381 sf to 1,511 sf. For the reasons stated here and elsewhere in this decision, the Board finds that the proposed improvements to the nonconforming structures will improve conditions in the Critical Area in spirit with the Critical Area law.

2. *A literal interpretation of the Critical Area requirements will deprive the property owner of rights commonly enjoyed by other property owners in the same zoning district.*

The proposed deck and walkway are common for any residence in Talbot County. This proposal continues to utilize the functionality of these features while reducing runoff in the Critical Area. The Board finds, from the testimony provided, that replacement of the deck and walkway are necessary.

3. *The granting of a variance will not confer upon the property owner any special privilege that would be denied to other owners of lands or structures within the same zoning district.*

The proposed improvements include the replacement of an existing nonconforming deck and relocation of an existing walkway. Other property owners are entitled to seek a variance for nonconforming structures and can be evaluated similarly.

4. *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.*

The proposed improvements within the Buffer are legally nonconforming and all other aspects of the project have been properly permitted.

5. *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.*

The Board finds that the variances will not adversely impact water quality, habitats, or the environment. The improvements will reduce lot coverage in the Buffer and the Applicants are required to plant native vegetation, to improve stormwater runoff, pursuant to the installation of a pervious deck, which replaces an impervious deck.

6. *The variance shall not exceed the minimum adjustment necessary to relieve the unwarranted hardship.*

The Board finds that the proposed walkway is necessary and it, along with the proposed deck improvements, are the minimum necessary. The portion of the walkway that requires a variance is needed to access the pool and deck area from the driveway. The improvements will reduce overall lot coverage and will be no closer to the MHWL. The replaced deck is pervious. Overall, the improvements are a benefit to the Critical Area.

7. *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.*

The Board finds that this criteria is not applicable.

Documents on Record

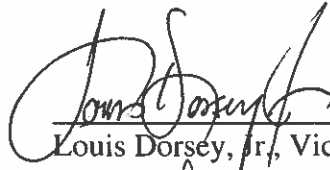
1. Application for a Critical Area variance.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Critical Area variance standards.
7. Staff Report by Andrew Nixon.
8. Sign maintenance agreement / sign affidavit.
9. Critical Area Commission Comments dated 3/26/25.
10. Authorization letter from Marc Meadows dated 11/25/24.
11. Independent Procedures Disclosure and Acknowledgement Form.
12. Aerial photo (2 pages).
13. Two photos of the rear elevation, existing pool and patio.
14. Site Plan with Lot Calculations.
15. Elevations.
16. Request to the Planning Officer Determination RTPO-24-16.
17. Site Plan Topographic Survey by Lane Engineering, LLC, dated 3/1/25.

Mr. Adelman moved that the Applicant be granted the requested variances subject to staff conditions and the motion was seconded by Mr. Krebeck. Based upon the foregoing, the Board finds, by unanimous vote, that the Applicant's requests for variances are granted subject to the following conditions:

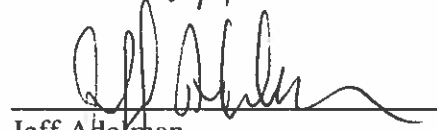
1. The Applicants shall commence construction of the proposed improvements within eighteen (18) months of the date of the Board of Appeals approval.
2. The Applicants shall comply with and address all Critical Area Commission comments and requirements, including the completion of a Buffer Management Plan that complies with Critical Area Law. Also, as part of the Buffer Management plan, the Applicants will need to provide mitigation for any tree removal, if any, that is associated with the project.
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 5th day of May 2025, **ORDERED** that the Applicant's requests for variances are GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Patrick Forrest


Jeff Adelman


Zakary Krebeck