

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF	*	CASE NO. CAVR-25-1
MEREDITH AND JOHN WATTERS	*	VARIANCE REQUEST APPLICATION (Critical Area and Non-Critical Area)

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The Board of Appeals (the “Board”) held a hearing on March 10, 2025, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Meredith and John Watters (the “Applicants”). Applicants requested Critical Area and Non-Critical Area variances for the property at 4718 Sailors Lane, Oxford, Maryland (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Patrick Forrest, Greg Gannon, 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 a Critical Area Variance to encroach the expanded shoreline development buffer (“Buffer”) by 24 feet to construct a new 960 square foot detached garage of which 833 square feet will be within the Expanded Buffer. The Applicants also requested a Non-Critical Area Variance of the front yard building restriction line to build the detached garage at 110 feet from the front property line in an area of the property that does not meet the 200-foot lot width minimum requirement for the RR zoning district.

SUMMARY OF TESTIMONY

Applicant Meredith Watters provided testimony and gave a brief history of the Property. The house was built in the early 1900s and the community around it was developed in 1982. Applicants purchased the Property approximately 27 years ago. At that time, there were two outbuildings that had to be removed because they were dilapidated structures. The Property is filled with woods, including many mature trees, and wetlands. The house sits on a part of the Property that is higher than the wetlands. The Applicants have been proud stewards of the land and have made efforts to improve it, including the environmental impacts, such as improving and moving the sewer system upland.

John Watters testified that the Applicants made efforts to find better solutions for the location. They concluded that it is the only appropriate location because any alternatives would require the cutting of trees, moving further into the Buffer, and/or removing the driveway.

Applicants submitted written answers to the criteria for variances, which the Board has considered in determining whether to grant the variances. Andrew Nixon testified on behalf of the County stating that there are no better alternatives for the location of the project.

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 proposed location for the project is the only suitable location due to the unique shape of the lot, slopes, buffer, property line restrictions, and trees on the Property. The Board also finds that the garage, as proposed, is a feature that is commonly enjoyed by others within the area and zoning district.

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 requested variance would deprive the property owner of a reasonable and significant use of the Property. The Property is a narrow, pie shaped lot with shoreline, wetland, and expanded buffers that create a limited building envelope. The standard 100-foot shoreline development buffer is expanded on this property due to the soil type and slope that lead down to the tidal wetlands. The front building restriction line setback is drastically increased on this property due to its triangular shape. These factors, in addition to the configuration of the existing improvements, do not leave any practical options for placing the detached garage without the need for a variance.

The previously existing garage had to be removed at no fault of the Applicants. The configuration of the improvements on the property will not allow any other alternative location for the proposed garage. The area selected will allow the Applicants to continue their use of the existing driveway while placing the garage in the most logical location. The proposed location minimizes the need for tree removal and is in the same general area as the previous garage.

- 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.*

Detached garages are a common feature for homes in the Rural Residential zoning district and other waterfront homes. Further, the proposed garage will be constructed in a similar position to the recently demolished garage.

- 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.*

Other property owners would be permitted to obtain a Critical Area variance under similar conditions and having shown an unwarranted hardship.

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 Applicants would be permitted to replace the previous garage in-kind without the need for a variance. The proposed garage is not precisely “in-kind” but is in a similar location and the Board finds that the previous garage had to be removed for reasons that are not the fault of the Applicants.

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 request will not adversely impact water quality or existing habitat. The overall lot coverage will remain below the 15% maximum. The proposed configuration will allow for the large, mature trees to remain unaffected while increasing the distance from the Mean High Water Line of the detached garage compared to the previous location. Applicants will be required to mitigate the removal of any trees under a Buffer Management Plan.

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

The proposed detached garage will replace the former garage while using the configuration of the existing driveway to minimize impacts to the expanded Buffer. An old storage shed and detached garage were both entirely within the Buffer and have been removed. The Applicants will remove a portion of the existing gravel driveway that serviced the previous garage. Total lot coverage for the property will be well within the 15% maximum allowance.

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.

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

A. Unique physical characteristics exist such that literal enforcement of the setback requirements would result in practical difficulty or unreasonable hardship in enabling the Applicant to develop the Property.

The Property is a narrow, pie shaped lot with shoreline, wetland, and expanded buffers that create a limited building envelope. The standard 100-foot shoreline development buffer is expanded on this property due to the soil type and slope that lead down to the tidal wetlands. The front building restriction line setback is drastically increased on this property due to its triangular shape. These factors, in addition to the configuration of the existing improvements, do not leave any practical options for placing the detached garage without the need for a variance.

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

The Property was developed prior to the implementation of the 200-foot lot width minimum requirement.

C. The variance is not requested for greater profitability or lack of knowledge of the restrictions.

The Property is the Applicants' primary residence. The proposed detached garage will replace the former garage and shed that were both recently demolished. It will not be used for rental purposes or otherwise used by the Applicants to generate profit.

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

Detached garages are common features for homes in this neighborhood and zoning district. The garage will be located towards the middle of the property and will not adversely affect neighbors. The Board received testimony from neighbors in support of the application.

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

The proposed location of the detached garage is just inside the adjusted building restriction line. At its nearest point, the structure will be 110 feet from the front property line in a zoning district where a 50-foot setback is the standard. The location will avoid the need to remove the largest trees on the Property and will utilize the configuration of the existing driveway.

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. Non-Critical Area variance standards.
8. Staff Report by Andrew Nixon.
9. Sign maintenance agreement / sign affidavit.


10. Critical Area Commission Comments dated 2/3/25.
11. Independent Procedures Disclosure and Acknowledgement Form.
12. Aerial photo.
13. Location Drawing by Lane Engineering, LLC.
14. Plat by Lane Engineering, dated 1/2/25, Job No. 240498.
15. Elevation Plan.
16. Floor Plan.
17. Critical Area Lot Coverage Computation Worksheet.
18. Letter from Steven and Denise Brownlee, dated 3/4/25.

Mr. Gannon moved that the Applicant be granted the requested variances subject to staff conditions and the motion was seconded by Mr. Forrest. Based upon the foregoing, the Board finds, by an 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 applicant will be required 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 25th day of March 2025, **ORDERED** that the Applicant's requests for variances are GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman

Unavailable for Signature
Patrick Forrest


Greg Gannon


Zakary Krebeck