

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF * CASE NO. VAR-22-3
ROBERT & LISA MICHAEL * VARIANCE REQUEST APPLICATION
* * * * *

The Board of Appeals (the “Board”) held a hearing on November 28, 2022 in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Robert and Lisa Michael (the “Applicants”). The Applicants requested a variance at 28947 Jennings Rd., Easton, MD 21601. Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Paul Shortall, Patrick Forrest, Zakary Krebeck, and Board Attorney Lance M. Young were present. Board Secretary Christine Corkell and Planner Bryce Yelton appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicants requested a variance from the required 50’ side yard setback to construct a 30’ x 50’ detached garage approximately 25’ from the side property line. The property is in the CP zoning district.

SUMMARY OF TESTIMONY

Robert Michael provided testimony for the Applicants. The setback will allow a detached garage for the purpose of storing the Applicant’s RV. The neighborhood homeowner’s association (“HOA”) does not permit the RV to be parked on the driveway; however, the HOA approved a garage/pole barn structure to park the RV. The unique shape of the property limits the ability to construct a garage without obtaining a variance from the side setback. The structure will be sufficiently distanced from a well on the property. Detached garage structures are common in the development where the Applicants reside.

The Applicants provided a letter from the HOA stating that it does not have any concerns or objections regarding the appearance or location of the proposed structure. The Applicants also provided a letter signed by several neighbors stating that they approve of the location and appearance of the proposed structure.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds that the Applicant has satisfied the standards for granting a variance.

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, when developed, was in the TR zone. The setback requirements for that zone, when the property was developed, had less restrictive setbacks, including a 15' side setback. The configuration of the property is such that building the structure in the front or back is not feasible.

B. The need for a variance is not based upon circumstances which are self-created or self-imposed. The applicant purchased the property in 2017 before its setback requirements became more restrictive.

C. The variance is not requested for greater profitability or lack of knowledge of the restrictions. The variance is for the purpose of constructing a garage structure and the proposal is the only feasible location but requires a variance.

D. The variance is not contrary to the public interest and will not be a detriment to adjacent or neighboring properties. The existing dwelling on the property, and the proposed structure, are in line with other structures within the same subdivision. The HOA and neighbors have provided support for the variance.

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

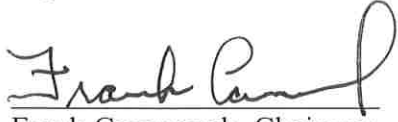
Mr. Shortall moved that the Applicant be granted the requested variance subject to staff conditions and the motion was seconded by Mr. Krebeck. Based upon the foregoing, the Board finds, by a unanimous vote that the Applicant's request for a variance is granted subject to staff conditions.

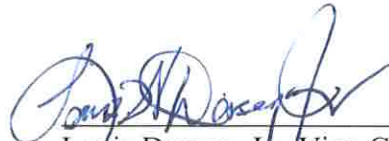
1. The applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.

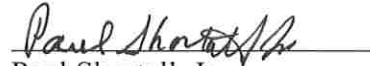
2. The applicant shall submit an updated site plan as part of their building permit application to the Office of Permits and Inspections that accurately portrays the current bulk requirement standards of the Countryside Preservation (CP) Zoning District.

3. The Applicant shall commence construction of the proposed improvements within eighteen (18) months of the date of this Decision set forth below.

IT IS THEREFORE, this 12th day of December, 2022, **ORDERED** that the Applicant's request for a variance is GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Paul Shortall, Jr.


Zakary A. Krebeck


Patrick Forrest