

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF * CASE NO. VAR-22-1
ANDREW AND KAREN HOLLIS * VARIANCE REQUEST APPLICATION
* * * * *

The Board of Appeals (the “Board”) held a hearing on August 1, 2022 in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Andrew and Karen Hollis (the “Applicants”). The Applicants requested two variances at 28567 Holden Road, Easton, Maryland. Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Paul Shortall, Patrick Forrest, Zakary Krebeck, and Board Attorney Lance Young were present. Brennan Tarleton, Acting Planning Officer for the Talbot County Planning and Zoning Division, Board Secretary Christine Corkell and Planner Bryce Yelton appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicants requested setback variances to (1) construct a portion of a 216 sq. ft. one story addition with the required 25’ side yard setback to be 16.5’ from the property line and (2) construct a 230 sq. ft. front porch addition to include a screened porch, covered landing and entrance vestibule within the required 50’ front yard setback to be 34’ from the property line.

SUMMARY OF TESTIMONY

The Applicants were represented by Attorney Zach Smith. Mr. Smith discussed the history of the property, which was acquired by the Applicants in 2022. The property is within the Rural Residential zoning district. The primary dwelling was built in the 1960s under a different zoning classification. The lot is 14% size of the minimum lot permitted within the zoning classification. In that respect, the lot and structure are legally nonconforming. The previous owner sought and obtained a setback variance to improve the structure in 2005. The variance request was approved; however, the prior owner did not improve the structure pursuant to that variance. The Board, at that time, determined that the variance was justified because of the property size constraints. The Health Department has reviewed the current variance request and has no concerns.

According to Mr. Smith, the front porch already encroaches upon the front yard setback and the proposed addition will be in line with the primary dwelling on the lot that is west of the property. The side yard setback is necessary to permit the Applicant’s proposed construction of a mud room and laundry room.

Mr. Andrew Hollis testified that the variances are necessary because of the limited space constraints of the property. The construction plans are designed to minimize impact and

encroachment. Alternatives are further constrained because of the locations of the septic system and well locations on the property.

Board Member Shortall recalls that the variance in 2005 was granted for similar reasons requested by the current Applicants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds that the Applicants have satisfied the standards for granting a variance.

1. 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 size of the structure and lot are small compared to others similarly situated in the zoning classification.

2. The need for a variance is not based upon circumstances which are self-created or self-imposed. The lot was created, and structure built prior to the current zoning ordinance and setback requirements.

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

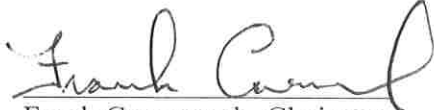
4. The variance is not contrary to the public interest and will not be a detriment to adjacent or neighboring properties. A similar variance was granted in 2005. The current construction proposals are modest and will provide functional improvement of the structure. The construction plans will modernize the home, which will improve the neighborhood. The Board considers the proposed improvements to be an enhancement to the neighborhood and streetscape.

5. The variance will not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship. The Applicants have worked to ensure that the requested relief will provide the minimum space necessary to make the improved spaces functional.

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

IT IS THEREFORE, this 23rd day of August, 2022, **ORDERED** that the Applicant's requests for variances are GRANTED.


Frank Cavanaugh, Chairman

Unavailable for Signature
Louis Dorsey, Jr., Vice-Chairman


Paul Shortall, Jr.


Zakary A. Krebeck


Patrick Forrest