

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF	*	CASE NO. VAR-24-6
ROY ANDREW AND KAREN E. HOLLIS	*	VARIANCE REQUEST APPLICATION

* * * * *

The Board of Appeals (the "Board") held a hearing on October 7, 2024 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 Patrick Forrest, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance Young were present. Board Secretary Christine Corkell and Planner Elisa Deflaux appeared on behalf of the County.

STATEMENT OF THE CASE

This Board previously granted variance requests made by the Applicants (Case No. VAR-22-1). The Applicants did not commence with the project within eighteen (18) months of the written decision as required by the decision. Similarly, the Board granted a setback variance for the same property in 2005 (Appeal No. 1387). The property owner that requested the variance at that time did not complete the requested expansion.

The Applicants currently seek two setback variances to construct a 7' x 12' covered front entry and foyer addition (approximately 82 square feet) and a 10' x 20' rear addition (200 square foot). The front porch will encroach at a resulting distance of 35.7' into the 50' front yard setback and the rear addition will encroach into the 25' side yard setback at a resulting distance of 20.5' on the western side to add a walk-in closet, master bath, and a pantry storage expansion.

SUMMARY OF TESTIMONY

Mr. Andrew Hollis testified on behalf of the Applicants. The Applicants requested similar relief in 2022, which the Board granted. Therefore, the Applicants incorporated their testimony from the previous hearing. Further, the relief requested is smaller in scale and scope than what was requested in 2022. A summary of the facts is as follows:

The Applicants acquired the property 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.

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 expansion of the primary structure.

Limited space constraints of the property are the reason that variances are necessary. 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.

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.

Documents on Record

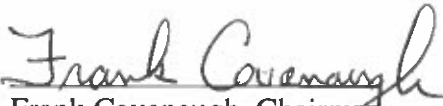
1. Application for Non-Critical Area variance application.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Non-Critical Area Variance standards.


7. Staff Report.
8. Sign maintenance agreement/Sign affidavit.
9. Independent Procedures Disclosure and Acknowledgement Form.
10. Aerial photo.
11. Site plan.
12. Elevation and Floor Plans (existing and proposed).
13. BOA Decision No. 1387.
14. BOA Decision No. VAR-22-1.

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.

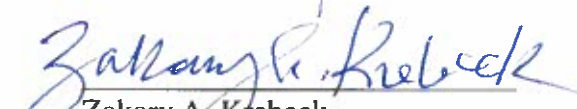
1. The Applicant shall commence construction of the proposed improvements within eighteen (18) months of the date of this Decision set forth below.
2. This approval is only for the requested improvements and additions in this application and does not cover or permit any other changes or modifications. Items not specifically addressed in this application may require additional approvals.


IT IS THEREFORE, this **15th** day of October, 2024, **ORDERED** that the Applicant's requests for variances are **GRANTED**.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Patrick Forrest


Zakary A. Krebeck


Jeff Adelman