

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF \* CASE NO. CAVR-26-8  
ELIZABETH & JOSEPH CONNOR \* VARIANCE REQUEST APPLICATION  
(Critical Area and Non-Critical Area)

\* \* \* \* \*

The Board of Appeals (the “Board”) held a hearing on June 8, 2026, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Elizabeth and Joseph Connor (the “Applicants”). Applicants requested Critical Area and Non-Critical Area variances for the property at 23028 Carrollton Rd., Neavitt, Maryland (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Meredith Watters, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance M. 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 demolish an existing screened-in porch and construct a new sunroom with landing and steps completely within the modified shoreline development buffer area. The Applicants also requested a Non-Critical Area Variance to construct a new detached garage within the required 25’ rear yard setback.

**SUMMARY OF TESTIMONY**

The Applicants were represented by Attorney Zach Smith, who appeared at the hearing alongside the Applicants. Mr. Smith explained that the circumstances giving rise to these variance requests stem from the fact that the Property was developed over a century ago, long before the enactment of modern zoning regulations and Critical Area laws. The Property is an atypical lot for its zoning district, featuring a highly narrow configuration and measuring roughly half the size of an ordinary parcel in the area.

Additionally, the front and back yards face different directions than those of a typical property. The Property is subject to a modified Critical Area Buffer (which is reduced from the standard Buffer area) because the properties within this extended shoreline area are uniformly close to the water.

The Applicants purchased the Property in 2022. They request these variances to construct a detached garage and to convert an existing, deteriorating screened porch into an enclosed sunroom. As part of the site plan, an existing shed will be removed from the Property. The new

garage will replace that outdoor storage capacity while functioning as a workspace and providing other traditional garage uses.

The renovations planned by the Applicants will significantly improve the site by removing the existing onsite septic system and connecting the Property to the public sewer system. Following construction, the Property will remain within all applicable lot coverage limits. The Applicants contend that given the steep setback requirements and the unique, narrow configuration of the lot, there is little room to position a garage elsewhere. They noted that detached garages are a common, standard feature on neighboring properties within this zoning district. While the Applicants explored alternative locations for the garage, the only other feasible layout made it extraordinarily difficult to safely maneuver vehicles. They also carefully considered how the new structures might impact their neighbors and tailored their design plans to minimize any adverse impacts on adjacent properties.

Additionally, the variance request accounts for an HVAC pad to be mounted to the side of the garage structure.

County Planner Andrew Nixon testified that other village districts within the County feature shorter setbacks than those required in this specific Village Residential (VR) District.

Applicant Elizabeth Connor testified that the detached garage cannot be moved any closer to the primary home due to the path of a new septic line and pump that must be installed. Furthermore, the Applicants plan to establish a vegetative garden in the open space between the house and the proposed garage.

Mr. Smith then addressed the requested variances to convert the screened porch into a sunroom. The existing porch faces the water and is a legally nonconforming structure. The Applicants request a variance to expand the footprint by 3 feet on three sides and to relocate the entrance door. Because the existing porch is in a state of disrepair and requires complete reconstruction, the Applicants prefer an enclosed sunroom so that the space is usable during colder weather months.

Mr. Smith emphasized that the underlying need for the variance is to minimally expand the structure's layout to accommodate furniture and safe mobility. The Applicants presented a photograph visually demonstrating that the current 10-foot dimensions are too tight to comfortably fit furniture while leaving clearance to walk around. The proposed new door location requires an outdoor landing, which will be constructed to meet pervious surface standards.

Addressing the specific Critical Area standards, Mr. Smith argued that literal enforcement would cause an unwarranted hardship due to the unique physical characteristics of the lot and the placement of the nonconforming structures, which have stood for over 100 years. The existing house and porch cannot be relocated without a cost-prohibitive, total demolition or structural renovation of the entire dwelling. The home is uniquely squeezed between its neighboring properties and structures. The proposed sunroom represents a minimal expansion of a failing porch to provide just enough clearance for functional furniture placement and interior maneuverability.

Because the entire house sits within the buffer, the Applicants cannot modify any portion of the structure without triggering a Buffer variance. They are not seeking a special privilege, as sunrooms and detached garages are standard, common amenities enjoyed by property owners throughout the district. Having purchased the nonconforming lot in 2022, the Applicants did not create or contribute to the conditions necessitating the variances. Finally, Mr. Smith noted that the proposed deck and landing will allow water to flow freely beneath it, representing a minor, non-radical departure from the existing footprint. The Applicants contend this plan reflects the minimum relief necessary to achieve a functional garage and living space.

The Applicants also submitted formal written responses to both the Critical Area and Non-Critical Area variance standards, which the Board has integrated, reviewed, and considered in issuing this decision.

### **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 Applicant.

The Board finds that the existing 10-foot screened porch is functionally inadequate; its restricted clearance fails to allow for reasonable interior mobility once basic furniture is introduced. The Board notes that the proposed variances will not position any new structures closer to the water than existing neighboring structures within the same modified Buffer. Furthermore, the Board finds that the Applicants' proposal to remove the aging onsite septic system and connect to the public sewer provides an environmental benefit to the local watershed.

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 special conditions are peculiar to this property. Developed over a century ago, the lot features an unusually narrow shape and is roughly half the size of a standard lot in the district. Because the existing historical dwelling sits entirely within the modified Critical Area Buffer, the Applicants are left with an unbuildable envelope; they cannot repair, modify, or update their living space without violating buffer setbacks. Denying the ability to minimally expand a failing, nonconforming porch by a mere 3 feet to make it safe and functional would constitute an unwarranted hardship.

- 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.*

A literal interpretation would deprive the Applicants of the basic right to have a functional, enclosed living area. As established in testimony, it is common for owners of historic, waterfront lots under an acre in Talbot County to request minor variances to expand outdated structures and secure additional lot coverage allowances. Because this lot was legally created prior to December 1, 1985, the Applicants qualify for a lot coverage allowance of up to 5,445 square feet with permission from the Planning Officer under Talbot County Code § 190-15.6(C.4.a) Table III-3.

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.*

Granting this request does not confer a special privilege. Sunrooms are a typical amenity throughout Talbot County's waterfront communities. The variance simply permits the Applicants to achieve a reasonable level of residential utility that many neighbors already enjoy.

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 Board finds that these circumstances are not self-created or self-imposed. The Applicants purchased the property in 2022 in its current, century-old configuration. The placement of the house, the narrow property lines, and the proximity to neighboring structures are historic conditions that long predate the Applicants' ownership. No unauthorized development activity has been commenced by the Applicants regarding these requests.

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 project will have minimal, if any, adverse impacts on water quality or wildlife habitat. The overall project provides an environmental upgrade through the decommissioning and removal of an active onsite septic system in favor of a public sewer connection. Any potential runoff from the minor increase in lot coverage will be strictly mitigated. As a condition of approval, the Applicants must implement an approved planting plan mitigating new lot coverage at a stringent 3:1 rate inside the modified buffer, and a 1:1 rate for the garage area located outside the buffer.

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

The Board finds that the minor 3-foot footprint expansion on three sides is the minimum adjustment required to transform a cramped, unusable screened porch into a functional sunroom

that accommodates standard furniture and safe clearance. The photograph on record clearly demonstrates that a smaller footprint would fail to resolve the practical mobility issues. Furthermore, the 6' x 4' pervious landing and steps represent the minimum framework required to safely satisfy modern building and access codes.

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 variances set forth in the Talbot County Code, § 190-58.3.

- A. *Unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of this chapter would result in practical difficulty or unreasonable hardship in enabling the applicant to develop or use the property;*

The Board finds that the property possesses unique physical characteristics, specifically an unusually narrow "pipestem" shape that restricts the buildable area toward the rear of the lot to a depth of only 70 feet. When applying the Village Residential (VR) zone's standard 25-foot rear yard setback, the remaining building envelope is squeezed to an unworkable depth of roughly 20 feet. Enforcing this setback literally would create an insurmountable practical difficulty, preventing the construction of a standard detached garage. The proposed location resolves this hardship by utilizing the existing driveway configuration to ensure vehicular functionality.

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

The record establishes that this lot was developed over 100 years ago, long before the adoption of the current Village Residential setback standards. Because the Applicants purchased the property with all structural improvements in their current historic configuration, the restricted building envelope is a pre-existing condition and is not self-created.

- C. *Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance;*

The variance is not sought to increase property profitability or out of an ignorance of local zoning restrictions. Rather, the evidence shows the request is driven entirely by the practical physical limitations of the lot. The Applicants designed the detached garage location to work within the constraints of the unique pipestem shape while maximizing the efficiency of the pre-existing driveway.

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

The Board finds that granting the variance will not harm the public interest or adjacent properties. The proposal is consistent with the residential character of the surrounding Village neighborhood.

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

The Board finds that the proposed garage design, including HVAC pad, represents the minimum adjustment necessary. By placing the structure where it integrates seamlessly with the existing driveway, the Applicants have minimized encroachment into the rear setback while actively reducing the amount of new lot coverage added to the property.

#### Documents on Record

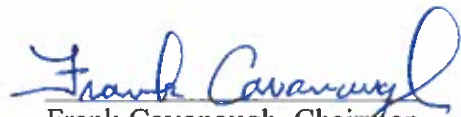
1. Application for a Critical Area variance.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Critical Area variance standards.
7. Non-Critical Area variance standards.
8. Staff Report by Andrew Nixon.
9. Sign maintenance agreement/sign affidavit.
10. Critical Area Commission Comments.
11. Authorization letter.
12. Independent Procedures Disclosure and Acknowledgement Form.
13. Aerial photo.
14. Site Plan, Existing and proposed – Job No. 260042.
15. Dwelling Elevation and Floor Plans.
16. Garage Elevation and Floor Plans.
17. Lot Coverage Sheets.
18. Photos, 4 pages.
19. Public Sewer Plan.
20. Applicant's Hearing Exhibit #1, Picture of Porch.


Mr. Adelman made a motion to approve the requests subject to staff conditions. Mr. Krebeck seconded the motion, and it was unanimously approved. The Board recognized that a time extension will be necessary to accommodate the time needed for removal of the septic system and the Health Department approvals for installation of a new septic system. Due to these constraints, Chairman Cavanaugh moved to grant an additional 18-month extension to begin construction. Vice Chairman Dorsey seconded the motion and it was unanimously approved.

Based upon the foregoing, the Board finds, by a unanimous vote, that the Applicant's requests for variances are granted subject to the following conditions:

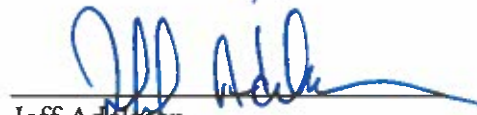
1. The Applicants shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
2. The Applicant shall commence construction of the proposed improvements within thirty-six (36) months of the date of the Board of Appeals approval. There shall be no other extension permitted under the Talbot County Zoning Ordinance.
3. The Applicant shall complete an amended Buffer Management Plan that complies with all requirements of the Critical Area Law.
4. 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 24<sup>th</sup> day of June 2026, **ORDERED** that the Applicant's requests for variances are GRANTED.

  
Frank Cavanaugh, Chairman

  
Louis Dorsey, Jr., Vice-Chairman

  
Meredith Watters

  
Jeff Adelman

  
Zakary Krebeck