

DECISION
TALBOT COUNTY BOARD OF APPEALS
Appeal No. 21-1735

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals via video conference pursuant to Board of Appeals Resolution 20-01, passed on June 1, 2020, beginning at 6:30 p.m. on February 7, 2022, on the application of **GARRY W. FUHRMAN** and **ELISABETH P. FUHRMAN** (the “Applicants”). The Applicants are requesting approval of one non-Critical Area variance for the purpose of constructing a 78 square-foot front porch addition within the required 25 foot front-yard setback, proposed to be located 17 feet from the property line.

The subject property (the “Property”) is an approximately 0.277-acre residential parcel, owned by the Applicants and located at 10397 Claiborne Road, Claiborne, Maryland. The Property is improved by a two-story, single-family dwelling built around 1900, with a front and side porch and a driveway. The Property has a 25 percent lot coverage limitation and includes 25-foot front- and rear-yard setbacks and 20-foot side-yard setbacks. The Property is shown on tax map 14, grid 9 as parcel 134, and its zoning classification is Village Residential (“VR”). It is located on the north side of Claiborne Road in the Village of Claiborne, just north of the intersection with Maple Hall Road, and is bound to the west and east by residential parcels and to the north by agricultural property.

The Applicants’ request is made in accordance with Chapter 190 Zoning, §190-10.2 and Article VII, §190-58.3 of the Talbot County Code (the “Code”).

Present by teleconference at the hearing were Board of Appeals members Frank Cavanaugh, Chairman; Louis Dorsey, Vice-Chairman; Philip Jones, Paul Shortall and Zakary Krebeck. The Applicants attended the hearing with Dawn Lednum of Safe Harbour Construction,

LLC, 108 North Talbot Street, St Michaels, Maryland. Miguel Salinas, Planning Officer, Brenna Tarleton, Assistant Planning Officer, and Elisa Deflaux, Planner II, attended the hearing on behalf of Talbot County. William C. Chapman was the attorney for the Board of Appeals (the “Board”). It was noted for the record that each member of the Board had individually visited the site.

The following exhibits were offered and admitted into evidence as Board’s Exhibits as indicated:

1. Application for a Non-Critical Area Variance.
2. Tax Map with subject property highlighted.
3. Notice of Public Hearing for advertising in *The Star Democrat* newspaper.
4. Newspaper Confirmation.
5. Notice of Public Hearing and Adjacent Property Owner List.
6. Standards for Non-Critical Area Variance with Applicants’ responses.
7. Staff Report prepared by Elisa Deflaux, Planner II.
8. Sign Maintenance Agreement/Sign Affidavit.
9. Authorization letter from Applicants with attached email to Dawn Lednum from Applicants.
10. Disclosure and Acknowledgment Form.
11. Aerial Photos.
12. Site Plan by David, Bowen & Friedel, Inc.
13. Floor and Elevation Plans.
14. Email from Abigail West, dated January 1, 2022, in support of the variance.

Ms. Lednum, the contractor for the Applicants' project, testified on behalf of the Applicants, stating that she is also their nearby neighbor, residing at 10482 Bayside Drive in Claiborne. The Property, Ms. Lednum said, has been in disrepair for the past 20 years and has been "quite the eyesore" in the Village of Claiborne. The prior owners, she said, from whom the Applicants purchased the Property in March, 2021, did not have the resources to restore it. A similar parcel across the street from the Property, Ms. Lednum said, has a wraparound porch similar to the porch the Applicants wish to construct, connecting the prior side and front porches. Residents of Claiborne had hoped the right buyer would purchase the Property and "bring it back to life," Ms. Lednum said, describing the rustic "Main Street" atmosphere of the village and its original houses dating back to before the William Preston Lane Jr. Memorial Bridge was built, connecting the Eastern Shore and western shore. The Applicants, she said, fell in love with the Property and are in the process of creating a "beautiful home," down to details such as having the original sinks re-porcelainized. Neighbors seem positive about the work the Applicants have performed already, Ms. Lednum said. She said many prospective buyers looked at the Property with the idea of tearing down the residence, but the "bones are there" and when the work is complete "it will be a striking" entrance into the village where the Applicants intend to retire.

Ms. Lednum answered questions from the Board regarding the criteria for approval of a non-Critical Area variance. The proposed variance, she said, will create a wraparound porch that is more in conformity with similar structures in the village than the current state of the Property. Most homes on Claiborne Road, she said, have a similar type of porch. In response to a question from Vice-Chairman Dorsey about an existing front porch depicted on the site plan, Ms. Lednum said that porch was "barely hanging on," but the front steps were still intact. The existing porch was located 17 feet from the front-yard property line. Mr. Jones said the house – and the rest of

the surrounding community – was built prior to the enactment of the Talbot County Zoning Ordinance. Mr. Shortall said it was beneficial to the village that the Applicants were taking the time to improve the existing structure on the Property. Ms. Lednum said the Applicants spent their careers as teachers for children with disabilities and have worked with Habitat for Humanity, and they will “do everything they can to make Claiborne a great place to live.”

Vice-Chairman Dorsey said the request was a reasonable and moderate request to construct a wrap-around porch, and that restoring the residence on the Property to its original condition or better would enhance the look of the Village of Claiborne. Mr. Jones said that part of Talbot County’s Comprehensive Plan focuses on protecting the county’s villages. In the context of the relationship of the Property to the street and streetscape, Mr. Jones said that the Applicants are furthering that interest and the Board should be in a position to encourage such actions. Mr. Krebeck said the architecture of the planned porch will be consistent with the village’s streetscape and that some of the other properties have structures within the same setback distance. He noted that the proposed porch will not encroach any more than the original porch did. Chairman Cavanaugh said it is common for the homes on the main streets of villages in the county to be set close to the street, and many within similar setback distance to the Applicants’ planned porch. It makes sense for porches to be continuous, he said, and the design fits within the character of the surrounding properties.

Vice-Chairman Dorsey made a motion to approve the requested non-Critical-Area variance. Mr. Krebeck seconded the motion, and the motion passed unanimously.

The Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.

2. Unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that the literal enforcement of the provisions of this chapter would result in a practical difficulty or unreasonable hardship in enabling the applicant to develop or use this property. The house on the Property is oriented toward the main thoroughfare through the Village of Claiborne and of similar distance to the front property line as other residences along Claiborne Road. The existing porches appear to be part of the original construction of the house. Due to the fact that the existing porch is entirely within the 25-foot front-yard setback, the Applicants' proposal to connect the existing front porch to the existing side porch would not be possible without the variance requested herein.
3. The need for the variance is not based upon circumstances which are self-created or self-imposed. The Applicants purchased the Property in its current condition and have not made any changes that would further limit the ability to construct a porch without a variance.
4. Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance. The Applicants indicated that the variance request will allow them to construct a reasonably sized porch addition to improve the functionality of the house, as well as the existing outdoor porch space they currently have.
5. The variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties. Based on Applicants' site plan, application and testimony, the 78-square-foot addition will allow for a more desirable

configuration for the Applicants and will encroach no further into the front setback than the existing front porch does today. The Applicants' proposed porch fits into the look of the Village of Claiborne and is similar to other properties' architecture and setbacks. The proposal to renovate the existing structure in such a manner that fits within the village is consistent with Talbot County's Comprehensive Plan as it relates to the county's villages.

6. The variance shall not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship. The requested variance is the minimum necessary to renovate and connect the previous side and front porches while maintaining the same setback as the current front porch.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY
THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Applicants, **GARRY W. FUHRMAN** and **ELISABETH P. FUHRMAN** (Appeal No. 21-1735) are **GRANTED** the requested variances consistent with the evidence presented to the Board of Appeals, subject to the following conditions:


1. Applicants shall make applications to the Office of Permits and Inspections, and follow all of the rules, procedures and construction timelines as outlined regarding new construction.
2. Applicants shall commence construction on the proposed improvements within eighteen (18) months from the date of the Board of Appeals' approval.

GIVEN OVER OUR HANDS, this 5th day of April, 2022.

TALBOT COUNTY BOARD OF APPEALS



Frank Cavanaugh, Chairman



Louis Dorsey, Vice Chairman



Philip Jones, Member



Paul Shortall, Member

Unavailable for Signature

Zakary Krebeck, Member