

**DECISION**  
**TALBOT COUNTY BOARD OF APPEALS**  
**Appeal No. 20-1712**

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Wye Oak Room, Talbot County Community Center, 10028 Ocean Gateway, Easton, Maryland beginning at 6 p.m. on August 24, 2020, on the application of **JOSEPH FORD** (referred herein interchangeably as the “Applicant” and “Mr. Ford”). The Applicant is requesting a special exception for construction of a 15-foot by 6.6-foot, single story accessory shed on his property, where no residence currently exists. The shed is to replace a dilapidated existing shed, within the same footprint. The subject property (the “Property”) is a 10,890 square foot parcel owned by Applicant and located at 24246 Mount Pleasant Road, St. Michaels, Maryland. The Property is shown on tax map 32, grid I as parcel 82, and its zoning classification is Countryside Preservation (“CP”). The Property was formerly improved by a residence constructed in approximately 1905, and in 2016 deemed hazardous by Talbot County and demolished in 2017. It is bound to the north, west and east by residential properties, and to the south by Mount Pleasant Road, maintained by the County. All surrounding area is within the CP zoning district.

Applicant’s request is made in accordance with Chapter 190 Zoning, Article II, §190-8.2, Table II-3; Article II, §190-12.3; Article IV, §190-25; Article IV, §190-33.24; and Article VII, §190-56 of the Talbot County Code (the “Code”). Pursuant to §190-33.24.A, a special exception may be granted for a storage building where it would not otherwise be permitted as an accessory use because there is no principal use established on the lot. This special exception use differs from the temporary use provisions of §190-34.2.A, which allow a storage building to be erected for use during construction of the primary structure. The Board of Appeals may approve this

special exception on a lot where there is no imminent plan for the establishment of a principal use.

Present at the hearing were Board of Appeals members Phillip Jones, Chairman; Frank Cavanaugh, Vice-Chairman; and members Paul Shortall, Louis Dorsey and Zakary Krebeck. Maria Brophy, Planner II and Miguel Salinas, Assistant Planning Officer, attended the hearing on behalf of Talbot County. William C. Chapman was the attorney for the Board of Appeals (the "Board"). Susan Stockman appeared as an agent on behalf of the Applicant. 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 modification of Special Exception with Applicant's narrative as Attachment A.
2. Tax Map of subject property.
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 Special Exception with Applicant's responses.
7. Staff Report prepared by Maria Brophy, Planner II.
8. Sign Maintenance Agreement/Sign Affidavit.
9. Authorization Letter.
10. Disclosure and Acknowledgment Form.
11. Aerial Photos.
12. Direction to the Property
13. Site Plan of the Property.

14. Construction/Floor plans.
15. Letter to Joseph Ford from Duane Gottschalk, Jr. Code Compliance Officer, dated May 19, 2020, referencing a stop work order.

Susan Stockman presented on behalf of Applicant in support of the application, describing the Applicant as a longtime neighbor and friend who has also helped her with repairs and other tasks over the years. Mr. Ford lived in the residence on the Property, which was condemned by the County and demolished, she said. A storage shed remained, where Mr. Ford kept tools and equipment he used to earn a living, including by maintaining surrounding and nearby properties, Ms. Stockman said; however, the shed was also in disrepair.

The Applicant said the Property has been in his family for over 100 years, that a neighboring parcel also used to be owned by his family, and that the now-demolished residence was the home of his great-grandmother. Ms. Stockman said Mr. Ford hoped to rebuild the shed and continue to offer lawn care and other services using the equipment and tools he keeps on the Property, but such work was discontinued by the County's stop work order. She said Mr. Ford is a "good soul" and dreams of rebuilding a residence on the Property one day. Ms. Stockman said the stop work order was "intimidating", but thanked the County Office of Planning and Zoning for its assistance in interpreting the order and explaining to Mr. Ford his rights and options.

In response to a question from Mr. Cavanaugh, Ms. Stockman said the planned replacement shed is a simple structure and that the Applicant will go through the proper permitting steps if the request for Special Exception is approved. Mr. Krebeck discussed some of the findings the Board was required to make in order to grant a Special Exception, including that the use will not be a nuisance to other properties. He said there were untagged vehicles and other loose items on the Property and asked the Applicant if he had plans to remove these items from

the Property. The Applicant said he did have plans to remove these items and clean up the Property. Ms. Stockman said that some of the items on the Property had been kept inside the former shed and will be placed in the replacement shed if the application is granted, and that she was trying to assist Mr. Ford in locating or obtaining a replacement title for the vehicle so that it can be transferred or salvaged. Other items that will eventually be removed, she said, are difficult to dispose of at this time due to County landfill restrictions during the COVID-19 public health emergency. Ms. Stockman said she had plans to assist Mr. Ford in the planting of raised-bed landscaping on the Property. Mr. Krebeck said the Applicant's intent appeared to be to "clean up" the Property.

Mr. Krebeck reviewed the conditions recommended in the Staff Report, and explained that Chapter 20 of the Code provides that if an Applicant does not adhere to the conditions and requirements of a decision, that a neighbor could petition the Board to revoke a special exception use.

The Board then considered the application. Based on the testimony, application and exhibits, upon motion and seconded, the Board approved the requested special exception, by a vote of five to zero.

The Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.
2. The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan. As stated in the application, the Applicant proposes to replace a structure in the same footprint and with the same use, which will improve the appearance of the Property and surrounding properties without drastically altering the character of the area.

3. The use will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance. The Applicant's proposal will comply with the Code's standards for the CP zone. The standard side setback for the Property is 15 feet. However, in accordance with §190-12.3, the side setback for this 97.5 square foot storage structure can be reduced to 7.5 feet. This Code section requires that the storage structure be a maximum of 300 square feet of gross floor area and no more than 20 feet high. Per the Applicant, the structure is approximately 8.4 feet tall from grade to roof and located 10 feet from the left side line of the Property. Therefore, the structure complies with the setback requirements.
5. The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area, and will not be detrimental to the economic value of neighboring properties. The size and appearance of the storage structure will be compatible with the adjacent land and will not be detrimental to the economic value of the surrounding residential properties. The Applicant has previously stored his tools and equipment in the old shed located on the Property, and the upgraded replacement structure will be a vast visual and structural improvement. Additionally, the Applicant has testified that the equipment to be stored in the structure is and will be used to maintain his Property as well as many surrounding properties, helping to keep the area tidy.
6. The use will not constitute a nuisance to other properties and will not have significant, adverse impacts on the surrounding area due to trash, odors, noise,

glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances. The use on the Property does not have any negative impacts on the neighboring properties. It does not appear that any adverse impacts will be created by the granting of the application. The improved replacement structure will create a secure location for the Applicant to store tools and equipment, and will help keep the area clean.

7. The use will not have significant adverse effect on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services. There will be no increase in traffic on the Property related to the Applicant's proposal.
8. The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic. The Property is not adjacent to any waterways, and the proposal will not create any change in the very minimal pedestrian or vehicular traffic that exists on the Property.
9. The use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County, based on the road classifications established in Chapter 134, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity. The Applicant is the only person who will use the replacement storage structure, and the traffic pattern will not be altered in any way.
10. Any vehicle access to proposed off-street parking areas and drive-in facilities will be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private

roads. There is an existing driveway on the Property that enters the Property from Mt. Pleasant Road, which will continue to be utilized. The Applicant is not proposing to modify the parking area in any way, and will be the only person using the structure.

11. Any use will not significantly adversely affect wildlife with respect to the site's vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife. The Property is located wholly outside of the Critical Area, and is not located on any environmentally sensitive features. The structure will be replaced in the same footprint and on the same foundation as the previous structure, and will not create any new disturbance. No adverse impact on wildlife is anticipated.
12. The use will not significantly adversely affect adjacent existing agricultural uses. The Applicant's proposal will be limited to replacement of a previous storage structure that existed for decades. The proposed improved storage structure will be located in the same footprint and on the same foundation as the previous structure, and will only be used to store the Applicant's tools and equipment. No adverse impact on adjacent existing agricultural uses is anticipated.

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

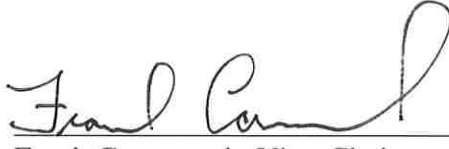
RESOLVED, that the Applicant, **JOSEPH FORD** (Appeal No. 20-1712) is **GRANTED** the requested special exception consistent with the evidence presented to the Board of Appeals, subject to the following conditions:

1. Applicant 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. Applicant 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 19th day of October, 2020.

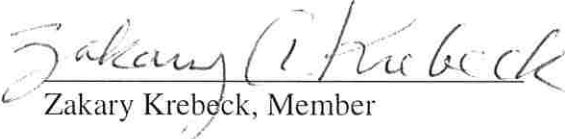
**TALBOT COUNTY BOARD OF APPEALS**

  
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Phillip Jones, Chairman

  
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Frank Cavanaugh, Vice-Chairman

  
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Louis Dorsey, Member

  
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Paul Shortall, Member

  
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Zakary Krebeck, Member