

**BEFORE THE TALBOT COUNTY BOARD OF APPEALS**

IN THE MATTER OF \* CASE NO. VAR-23-3  
KENNETH AND DEBORAH \* VARIANCE REQUEST APPLICATION  
TINDALL \*

\* \* \* \* \*

The Board of Appeals (the “Board”) held a hearing on October 16, 2023 in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Kenneth and Deborah Tindall (the “Applicants”). The Applicants requested a variance for the property located at 6434 Oxford Rd., Easton, MD 21601. Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Paul Shortall, Greg Gannon, Zakary Krebeck, and Board Attorney Lance M. Young were present. Board Secretary Christine Corkell and Planner Elisa Deflaux appeared on behalf of the County.

**STATEMENT OF THE CASE**

The Applicants requested a variance of the required 150’ supplemental state highway setback for Maryland Highway Route 333, Oxford Road. The variance is necessary so that the Applicants can construct a 62.2’ long by 14’ wide residential pervious deck addition to an existing residence located at a distance of 140’ from the front property line.

**SUMMARY OF TESTIMONY**

The Applicant Kenneth Tindall provided testimony on behalf of the Applicants. He explained that the addition of the proposed deck is necessary because the home has two walk-outs from separate rooms in the house that do not have a deck attached. Without the deck, the house is incomplete. The area beneath the proposed deck is covered with impervious stone.

The State Highway Administration has no issue with the proposed variance.

Mr. Tindall addressed the criteria for a non-Critical Area variance. The house was built prior to the implementation of the 150’ highway setback. The house itself is nonconforming. The hardship was not created by the Applicants. They purchased the home as a nonconforming home and the walkouts, without a deck, existed when they purchased the home.

The Applicants are not requesting the variance for the purpose of generating profit. The addition will be on the back of the home and will not interfere, in any way, with the adjacent properties. Mr. Tindall testified that the proposed deck is the minimum necessary to serve the two rooms with walkouts that require a deck for completion.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds that the Applicants have satisfied the standards for granting of the variance and sets forth these findings:

A. 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 dwelling on the property is nonconforming and the proposed attached deck will be an addition to the nonconforming dwelling.

B. The need for a variance is not based upon circumstances which are self-created or self-imposed. The property has existed in its current configuration for decades. The property owner has not made changes to the configuration.

C. The variance is not requested for greater profitability or lack of knowledge of the restrictions. The deck will be used for private purposes and is necessary to complete two walkouts that exist on the home.

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

E. The variance will not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship. The Board finds that the proposed deck is the minimum necessary to serve the existing walkouts that require a deck for completion.

### Documents on Record


1. Application for a Non-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. Non-Critical Area variance standards sheet.
7. Staff Report.
8. Sign maintenance agreement.
9. Comments from State Highway, Henry Dierker, dated 8/17/23.
10. Authorization letter.
11. Independent Procedures Disclosure and Acknowledgement Form.
12. Aerial photo.
13. Proposed Site Plan of property showing proposed deck.
14. Existing Site Plan.
15. Deck Plan.
16. Elevation Plan.
17. Photos of existing dwelling and proposed site for deck.
18. Board of Appeals Decision No. 1485.


- 19. Lot Coverage sheet.
- 20. Pervious Deck(s) Agreement.


Mr. Gannon moved that the Applicants be granted a variance of the required 150' state highway setback. The variance is subject to staff conditions. The motion was seconded by Mr. Krebeck. Based upon the foregoing, the Board finds, by a unanimous vote, that the variance is granted subject to staff conditions.


- 1. The applicant 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 eighteen (18) months of the date of this Decision set forth below.

**IT IS THEREFORE**, this 11th day of November, 2023, **ORDERED** that the Applicant's request for a variance is **GRANTED**.

  
Frank Cavanaugh, Chairman

  
Louis Dorsey, Jr., Vice-Chairman

  
Paul Shortall, Jr.

  
Zakary A. Krebeck

  
Greg Gannon