

IN THE MATTER OF * CASE NO. SPEX-25-4

ROBERT L. EWING * SPECIAL EXCEPTION

* * * * *

The Board of Appeals (the “Board”) held a hearing on October 6, 2025, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Robert L. Ewing (the “Applicant”). The Applicant requested a Special Exception for a property located at on Marengo Road, Easton, Maryland, identified by Tax Map 24, Grid 9, Parcel 78 (“Property”). Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey Jr., Board Members Liz Connelly, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance M. Young were present. Board Secretary, Christine Corkell and Andrew Nixon, Planner, appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicant requested approval for a Special Exception to construct a storage building on a lot where there is no imminent plan for the establishment of a principal use. The Talbot County Planning Commission unanimously recommends granting the request.

SUMMARY OF TESTIMONY

The Applicant, Robert Ewing testified. Mr. Ewing also submitted written responses to the criteria for obtaining a Special Exception, which the Board has reviewed and considered, and which additionally form the basis for the Board's decision.

Applicant testified that the Property is a 13 acre property that is used to store tractors, boats, and other equipment. The equipment is affected by weather. The Applicant wants to construct a storage structure, which will have the benefit of protecting equipment and making the Property sightlier by removing equipment from sitting out in the open.

There is an access road to the Property that was put in several years ago for a school bus turnaround. The Property connects to the Applicant's residential property. The storage will be used for personal uses and not business uses.

The structure cannot be put on Applicant's residential property because of wet lands. The current location will not affect wildlife, a pond/wetlands. There will be no electric or septic attached to the structure.

There are no neighbors in sight of the structure. There is very little traffic that goes by the Property.

Planner Andrew Nixon testified that Staff supports the application and because the Property and Applicant's residential property are in common ownership, there is no access issue. If the properties were ever sold separately, there would have to be an access that is created but the existing driveway is sufficient now.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds by a preponderance of the evidence that the request satisfies the requirements of the Talbot County Code, § 190-56.2.

1. The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

The Comprehensive Plan, Section 2.28 states: "Within the Sensitive Areas, agriculture and forest cover should remain the dominant land uses." The proposed structure will store tractors used on farms in the immediate area, as well as other equipment, and the location will require minimal tree removal. Therefore, the Board finds that the proposed Special Exception is consistent with the Comprehensive Plan.

2. 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.

Residential storage buildings are a permitted accessory use in the WRC zoning district if they meet bulk standards and setbacks. The code allows the structures on a lot where there is no imminent plan to establish a principal use after consideration by this Board of a special exception.

3. The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses, with existing and potential uses in its general area, and will not be detrimental to the economic value of the neighboring property.

The proposed structure is a common structure for the agricultural area and will not be a detriment to the economic value of any neighboring properties. The Property is surrounded by heavily wooded properties, farms, and some residences.

4. 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 features (resulting from the structure).

The Board does not see any evidence that the structure will be a nuisance or disturbance.

5. The use will not have significant impact on public facilities or services, including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

The structure will have no impact on public facilities or have any impact on Marengo Road. The existing access on an adjacent parcel may be used for access because the properties are in common ownership.

6. The use will not have a significant, if any, adverse effect upon marine, pedestrian, or vehicular traffic.

The improvement is merely an accessory storage structure, and the Board does not anticipate that the structure will have any effect on marine, pedestrian, or vehicular traffic.

7. 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.

No additional traffic or adverse impacts are anticipated.

8. 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.

The use will not require any additional vehicular access. The existing access on an adjacent parcel may be used for access because the properties are in common ownership.

9. The 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 parcel is heavily wooded, but equipment storage is already a use on the Property, and the proposed structure will require minimal tree removal.

9. Nearby agricultural uses will not be impacted.

The accessory storage structure will not impact any neighboring agricultural uses, and such structures are common on agricultural lands.

Documents on Record

1. Application for Special Exception.
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. Special Exception Standards.
7. Staff Report, prepared by Andrew Nixon.
8. Planning Commission's Recommendation.
9. Sign Maintenance Agreement/Sign Affidavit.

10. Authorization Letter, dated 8/8/25.
11. Independent Procedures Disclosure and Acknowledgement Form.
12. Aerial Photo.
13. Elevation Plans.
14. Floor Plans.
15. Site Plan by Rauch, Inc.

Vice Chairman Dorsey moved to grant the Special Exception subject to staff conditions, amending the staff condition that the structure shall be used for residential uses only, to also include agricultural uses. Mr. Krebeck seconded the motion. Based upon the foregoing, the Board, by unanimous vote, grants the Special Exception subject to the following 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 approval.
3. The structure shall be restricted to agricultural or residential storage until such time in the future that a principal use is established on the property.
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.

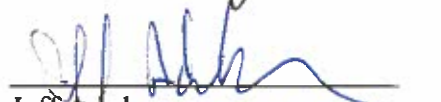
IT IS THEREFORE, this 31st day of October 2025, **ORDERED** that the Applicant's request for modification of the special exception is GRANTED.


Frank Cavanaugh, Chairman

Unavailable for Signatures
Louis Dorsey, Jr.


Liz Connelly


Zakary A. Krebeck


Jeff Adelman