

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF * CASE NO. CAVR-26-5
SEVENTH HAVEN LLC * VARIANCE REQUEST APPLICATION
(Critical Area)

* * * * *

The Board of Appeals (the “Board”) held a hearing on April 13, 2026, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Seventh Haven LLC, c/o Stephanie Hoopes and John Jenkins (the “Applicant[s]”). Applicant requested a Critical Area variance for the property at 8038 Leehaven Rd., Easton, 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 Applicant requested a Critical Area Variance of the 100-foot Shoreline Development Buffer (the, “Buffer”) to extend the existing concrete apron around the original portion of the dwelling and to construct a new 2’6” wide gravel drip edge around the recently approved additions to the dwelling and the existing detached garage.

A drip edge, as opposed to a traditional gutter system, breaks up the concentrated flow of water at the roofline, causing it to fall into a uniform, controlled curtain rather than a heavy sheet. A professionally graded trench filled with crushed stone or gravel receives this runoff, utilizing the large surface area to dissipate the water and prevent soil erosion. This setup leverages the natural process of infiltration, allowing stormwater to percolate evenly into the ground along the entire perimeter of the structure, which reduces the pressure on local drainage systems and recharges the groundwater without the maintenance or clogging risks associated with traditional downspouts.

SUMMARY OF TESTIMONY

The Applicant, Seventh Haven LLC, was represented by Attorney Ryan Showalter. Stephanie Hoopes appeared for the Applicant.

Applicant was granted variances by this Board’s Order, dated October 29, 2025 (Case No. CAVR-25-6). According to Applicant, it was not anticipated at that time that the proposed drip edge would necessitate a variance.

According to Mr. Showalter, the drip edge is intended to provide enhanced environmental benefits and is consistent with the intent and spirit of the Critical Area law. It provides stormwater benefits to the property but, because it extends beyond the edge of the roof, it

requires a variance. The concept of the system is to provide a level spreader for the entire length of the dwelling instead of the down spout of a gutter that can create pooling in concentrated areas. The gravel area of the drip edge circles around the entire house, except for two areas, as demonstrated on the site plan provided by the Applicant.

In addition to the environmental benefits of the proposed drainage system, Applicant is also required to provide 3:1 vegetative mitigation, which further benefits stormwater runoff into the Dixon Creek.

The Critical Area's comment regarding the request is that this Board must note that the Critical Area variance standards are met. Applicant emphasized the Staff Report's findings regarding the criteria which the Board has reviewed and incorporates into this decision.

The system is also subject to County stormwater management review to ensure that it meets County requirements.

County Planner Andrew Nixon testified that he contacted the Public Works Department, which does not anticipate any issues with the proposal.

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 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 the primary dwelling and detached garage are legally non-conforming structures built prior to the adoption of the 100-foot Shoreline Development Buffer. Denying the use of a high-performance infiltration system simply because its footprint extends inches beyond the roofline would force the Applicant to rely on inferior, conventional drainage methods, creating an unwarranted hardship in the pursuit of environmental stewardship.

- 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.*

It is common for homeowners within the Buffer to request, and be granted, permission to expand structures and outdoor use areas within the Buffer that were constructed prior to the implementation of Critical Area regulations. While the Applicant could install a traditional gutter system without a variance, doing so would provide less environmental protection for the

Buffer than the proposed drip edge. To penalize the Applicant for choosing a more costly, environmentally superior drainage solution, one that requires a minimal ground footprint, is inconsistent with the goals of the Critical Area law.

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.*

It is common for owners of similar properties to be granted variance approvals to modernize and expand structures within the Buffer. Granting a variance for a system designed specifically to enhance the filtering function of the Buffer is consistent with prior Board actions and does not constitute a special privilege, but rather a site-specific technical solution.

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 structures that will include the proposed system existed prior to the enactment of the Critical Area law. The Applicant did not create the proximity to the shoreline.

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 proposal is in harmony with the spirit of the Critical Area law. The Critical Area Program identifies the Buffer as the last line of defense for the Chesapeake Bay. By replacing concentrated downspout discharge with a distributed infiltration trench, the Applicant is significantly reducing the velocity of stormwater runoff and the potential for nutrients loading in Dixon Creek. This benefit is compounded by the 3:1 vegetative mitigation, which will expand the native plant habitat and further stabilize the shoreline.

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

The concrete apron extensions and gravel drip edges will only go around the portions of the dwelling that don't have existing hardscapes such as patios, walkways or driveway. The width of the concrete apron will match the existing apron, and the gravel drip edges will be just wide enough to capture the storm water as it falls off the roof.

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.

Documents on Record

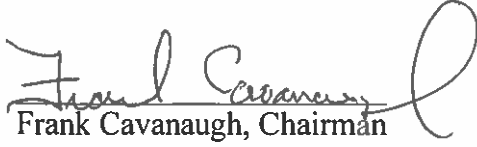
1. Application for a Critical Area variance.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Critical Area variance standards.
7. Staff Report by Maddie Zaprowski.
8. Sign maintenance agreement.
9. Critical Area Commission Comments.
10. Authorization letter.
11. Independent Procedures Disclosure and Acknowledgement Form.
12. Aerial photo.
13. Photos of the property taken by Andrew Nixon.
14. Plat by Pollen Architecture & Design, Project No. 2302, Issued 3/19/26.
15. Board of Appeals Decision Case No. CAVR 25-6.
16. Critical Area Lot Coverage Computation Worksheet.

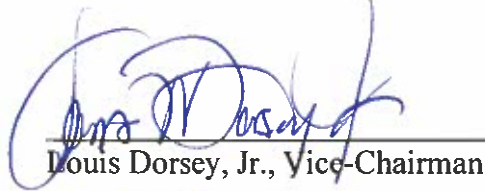
Mr. Krebeck moved to approve the variance requests with staff conditions. Vice Chairman Dorsey seconded the motion.

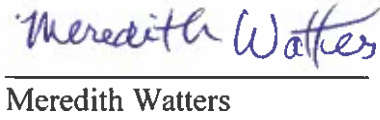
Based upon the foregoing, the Board finds, by a unanimous vote, that the Applicant's requests for a variance is granted subject to the following conditions:

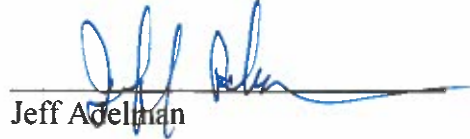
1. The Applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
2. The Applicant shall commence construction of the proposed improvements within eighteen (18) months of the date of the Board of Appeals approval.
3. The Applicant shall complete a 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.

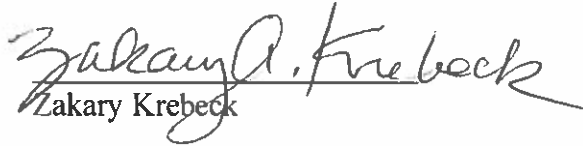
IT IS THEREFORE, this 28th day of April 2026, **ORDERED** that the Applicant's requests for a variance is GRANTED.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Meredith Watters


Jeff Adelman


Zakary Krebeck