

BOARD OF ZONING APPEALS
MEETING MINUTES
Monday, November 14, 2022
Remote Meeting – 5:30 p.m.

I. CALL TO ORDER

Chairman William Harvey convened a remote meeting of the St. Michaels Board of Appeals (BOZA) at 5:31 p.m. in St. Michaels, Maryland. Present were Vice Chairman Douglas Rollow, John Hunnicutt, and staff Kim Shellem. Pat Faux, Chris Goettge of the Faux Group and Town Administrator Rob Straebel.

II. REVIEW OF MINUTES: Postponed to the end of the meeting. October 17, 2022, and June 13, 2022

The meeting on October 17th was continued to November 14th, there were no minutes prepared. Member Rollow proposed a motion to approve the June 13th minutes as submitted. Member Honeycutt seconded the motion which carried on a vote of 3-0.

III. OLD BUSINESS

BOZA-22-611: Variance to rear yard setback requirements per §340-104 of the Code of St. Michaels. Application is for a new single-family dwelling at 103B Lee Street (Tax map 0200, parcel 1617) for owners Shawn Norton & Cynthia Perera.

Applicant Shawn Norton noted the site conditions, adding that he also is the owner of the adjacent empty lot at 103A Lee Street, they are seeking a variance reduction of 11’ for the rear yard setback, 13’ for the right side, 12’ on the left side and a 9’ front yard setback. Mr. Norton finds special conditions exist due to the 4,800 sq. ft. lot as compared to the 7,200 sq. ft. lots on the street, also the width of the lot is 65’ wide compared to the 120’ deep lots on the street. He noted that the road is narrow and does not have sidewalks. Noting that the previous house on the lot was demolished, which had a front yard setback of 20’, and the rear of the property faces the Talbot County Ballfield.

There were no responses from neighboring property owners on record.

Member Rollow cited the 6 tests in deliberations finding support of granting the variance.

Member Honeycutt move to approve the variance as requested, seconded by Member Rollow. The motion carried unanimously with a vote of 3-0 in favor.

IV. NEW BUSINESS

Chairman Harvey opened discussion for BOZA Case No. 22-612 and confirmed Exhibits 1-11, which had been provided to the members and were made a part of the record. Chairman Harvey and Member Rollow and Honeycutt affirmed that they had visited the site.

BOZA-22-612: Appeal to Zoning Inspector decision per §340-131 of the Code of St. Michaels. Applicant, Karen Wald – 105/107 Grace Steet, is appealing the issuance of a building permit #5586

for 310 S. Talbot Street for an extension and renovations, issued 9/8/22 and amended 10/19/22 citing that the permit is not in compliance with parking and landscaping requirements. Ms. Wald introduced documents A1-A7 and photos B1-B4 which were entered into the record by Chairman Harvey. Ms. Wald spoke of the removal of the 3 trees on the rear of the lot which would take away privacy, allow more noise and change the quality of life.

Member Honeycutt clarified that the appeal was for the parking and landscaping as stated in the written appeal.

Ms. Faux cited §340-173 Landscaping – noting that analyzing the square footage for use/parking requirements determined the parking requirement has been met.

Chairman Harvey stated that there are no changes in the footprint from the existing conditions, the plans were amended, Mr. Hannon will not place an addition on the rear of the building.

Chairman Harvey closed the public portion and moved into deliberations.

Member Rollow read the six criteria

Chairman Harvey noted that the submitted materials and arguments do not fully support the criteria necessary to uphold the appeal.

Member Hunnicutt made a motion to deny the application as presented. Member Rollow seconded it. There was no additional discussion. The members then voted 3-0 to deny the appeal request.

Chairman Harvey informed the applicants they had the right to appeal the decision to the Talbot County Circuit Court. Chairman Harvey then closed the hearing and thanked everyone for their participation.

Chairman Harvey urged the applicant to add any comment in support of their application.

IV. MATTERS FROM COMMISSION AND STAFF

V. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Minutes approved by 3-0vote in favor on the 12th day of December 2022

William C. Harvey II, Chairman