

Board of Zoning Appeals Exhibit List
BOA 22-614 – Variance
202 Locust Map 200 Parcel 1507

Property Owners: Dennis Byrne

Applicant: Denis Byrne.

Case No.: BOA 22-614

Hearing Date: December 12, 2022

Applicants Exhibits:

The following exhibits were admitted on behalf of the Applicant without objection:

1. Variance Application, filed on 11/17/2022.
2. Responses to variance request.
3. Site Plan.
4. Staff report prepared by Interim Zoning staff dated November 29, 2022.
5. Written property excerpt from Maryland Department of Assessments and Taxation.
6. Notice of Public Hearing.
7. Certification of public notice publication dated November 27, 2022, and December 4, 2022.
8. List of adjacent property owners notified.
9. Affidavit of property posting.

St. Michaels Board of Zoning Appeals
St. Michaels, Maryland

Number	<u>22-614</u>
Date filed	<u>11-17-22</u>
Date of hearing	<u>12-12-22</u>
Dates of public notice	<u>11-27 12-4</u>
Applicant(s) notified	_____
Property posted	<u>11-17-22</u>
Decision	_____
Applicant(s) notified	_____

Variance
 Fee \$150.00 Plus advertising/public notice costs
 Total _____
 Date paid \$150.00 CK 107

To the St. Michaels Board of Zoning Appeals: Variance

Subject Property:

Location: 202 LOCUST ST, ST MICHAELS MD 21663
 Name(s) of Owner(s): Dennis C. Byrne
 Mailing address(s): 1616 N. Garfield St Arlington, VA 22201
 Telephone number(s): 703-929-7180

Name(s) of Applicant(s)/Appellant(s): Dennis C. Byrne
 Mailing address(s): 1616 N. Garfield St Arlington VA 22201
 Telephone number(s): 703-929-7180

Is property in question the subject of any other pending application? No
 If so, give number and date _____


 Signature(s) of Applicant(s)/Appellant(s)

NOTICE TO ALL APPLICANTS FOR LAND-USE APPROVALS AND PERMITS

ATTACH written response

ATTACH SKETCH drawn to scale of the property with all dimensions of lot building thereon, distances between building and property lines, bounding street or road number, contiguous and opposite properties with names of owners, North point and scale.

IMPORTANT: Applications on which all required information is not furnished will be returned for completion before processing.

A copy of §340 -136 may be obtained at www.stmichaelsmd.gov > Town Code

By signature I acknowledge that I have received the above information and understand that I will be responsible for addressing the six tests at the Board of Appeals hearing.

 Dennis C. Byrne 11-16-2022
 Signature Printed Name Date



202 LOCUST STREET

(a) Special conditions and/or circumstances exist which are peculiar to the land, structures or building involved that are not generally shared by other properties in the same zoning district or vicinity. Such conditions and/or circumstances may include but are not limited to the following: exceptional narrowness or shallowness or both, or irregular shape or topography of the property; unusual and limiting features of the building.

- The lot is exceptionally narrow – only 29.95' wide.

(b) That such special conditions and/or circumstances noted above cause the strict enforcement of the zoning provision to impact disproportionately upon the property resulting in unnecessary and undue hardship. Hardship arises where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions.

- The historic structure currently sits 2.60 feet from the south property line.

(c) Such special conditions or circumstances must not be the result of any action or actions of the applicant.

- No action was taken to create special circumstances.

(c) Granting of the variance must be in harmony with the general purpose and intent of Chapter 340 and must not be injurious to adjacent property, the character of the neighborhood or the public welfare.

- The structure is in the heart of the historic district and will have to go through a Historic District commission review to ensure that the structure built fits in with the rest of the historic buildings. Building within the Building Restriction Line (BRL) would result in an irregular shaped structure detracting from the historic character of the house.

(d) The variance granted must be the minimum necessary to afford relief.

- The variance requested is the minimum necessary to maintain the historic character of the house.

(e) That no nonconforming use of neighboring lands, structures, or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.

- None

THE COMMISSIONERS OF ST. MICHAELS

OFFICE OF CODE ENFORCEMENT, PLANNING AND ZONING

SETTLED 1670-1680

300 MILL STREET

TELEPHONE: 410.745.9535

P.O. BOX 206

INCORPORATED 1804

ST. MICHAELS, MD 21663

FACSIMILE: 410.745.3463

TO: Board of Zoning Appeals
FROM: Pat Faux, Interim Zoning Inspector
REPORT DATE: November 29, 2022
HEARING DATE: December 12, 2022
RE: Case No. 22-614
202 Locust Street
Application for a variance from the side yard setback

Dear members of the Board of Zoning Appeals,

Property owner, Dennis C Bryne, is seeking a variance from the side yard setback requirements per §340-104 of the St. Michaels Town Code, which establishes a total minimum aggregate side yard setback of 15' feet and a minimum individual side yard setback of 6' in the R2 zone. In review of the owner's request, staff determined the building and encroachments into the setback areas, must conform to the current zoning standards or seek a variance. The Applicants are seeking relief from strict interpretation of the side yard setback requirements.

The Application was found complete, and the Applicant responded to the variance requirements as set forth by §340-136 Variances of the St. Michaels Town Code. As per §340-136A, "A variance from the terms of this chapter shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted demonstrating." In the past, the Board of Zoning Appeals has found that an applicant must meet all the following requirements in order to grant the variance:

- (1) Special conditions and/or circumstances exist which are peculiar to the land, structures or building involved that are not generally shared by other properties in the same zoning district or vicinity. Such conditions and/or circumstances may include but are not limited to the following: exceptional narrowness or shallowness or both, or irregular shape or topography of the property; unusual and limiting features of the building.*
- (2) That such special conditions and/or circumstances noted above cause the strict enforcement of the zoning provision to impact disproportionately upon the property resulting in unnecessary and undue hardship. Hardship arises where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions.*
- (3) Such special conditions or circumstances must not be the result of any action or actions of the applicant.*

- (4) Granting of the variance must be in harmony with the general purpose and intent of Chapter 340 and must not be injurious to adjacent property, the character of the neighborhood or the public welfare.*
- (5) The variance granted must be the minimum necessary to afford relief.*
- (6) That no nonconforming use of neighboring lands, structures, or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.*

The property is located within the R-2 zone and the Historic District Overlay. It has a lot size of 3,635 square feet, a lot width of 29.95 feet at the front property line and an average lot depth of 120.81 feet. The required lot size in R-2 per §340-104 is 5,000 SF with a minimum lot width of 40 feet and a minimum lot depth of 85 feet.

Per §340-104 the minimum required individual side yard setback is 6 foot and the minimum required aggregate side yard setback is 15 feet. The existing historic structure sits 6 feet from the northern side property line and 2.60 feet from the southern side property line. These existing conditions vary 3.6 feet from the 6 foot individual side yard requirement and 6.4 feet from the overall 15 foot aggregate side yard requirement.

Applicant is proposing a rear porch addition that is narrower than the existing house with wider setbacks than the existing house. Applicant proposes a 3.60 setback on the southern side property line resulting in a 2.40 foot variance from the required 6-foot rear yard setback. Applicant shows a 7' setback from the Northern side property line. This results in a 4.4 foot variance from the overall 15 foot aggregate side yard requirement. If the variance is approved as submitted, the applicants must meet all other zoning requirements as part of a building permit application.

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 064545

Owner Information

Owner Name: BYRNE DENNIS C Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 1616 NORTH GARFIELD ARLINGTON VA 22201-3924 Deed Reference: /02979/ 00048

Location & Structure Information

Premises Address: 202 LOCUST ST ST MICHAELS 21663-0000 Legal Description: LOT 30X120 202 W/S LOCUST ST ST MICHAELS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0200	000SM	1507	2310001.21	0000				2023	

Town: ST. MICHAELS

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1920	1,144 SF		3,600 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	STANDARD UNIT	SIDING/	3	1 full		

Value Information

	Base Value	Value As of	Phase-in Assessments	
			As of	As of
Land:	192,500	192,500	07/01/2022	07/01/2023
Improvements	57,200	57,200		
Total:	249,700	249,700	249,700	
Preferential Land:	0			

Transfer Information

Seller: WILSON GRACIE I	Date: 05/25/2022	Price: \$305,000
Type: ARMS LENGTH IMPROVED	Deed: /02979/ 00048	Deed2:
Seller: WILSON, GEORGE W AND GRACIE I	Date: 05/11/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed: /01795/ 00444	Deed2:
Seller:	Date:	Price:
Type:	Deed:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Public Notice
St. Michaels Board of Zoning Appeals
Variance to side yard setback requirements

The public is hereby notified that the St. Michaels Board of Zoning Appeals (BOZA) will hold a public hearing for a variance application to the side yard setback requirements per Chapter 340-104 of the Code of St. Michaels. Application is for the construction of a screened porch at 202 Locust Street, St. Michaels, MD. The case will be heard on Monday, December 12, 2022, at 5:30pm as part of the BOZA regular meeting at the Edgar M. Bosley, Jr. Building, 300 Mill Street, St. Michaels, MD 21663.

A copy of application is available for review in the Edgar M. Bosley, Jr. Building (Town Office), 300 Mill Street, Monday - Friday between the hours of 8:30 A.M. and 4:30 P.M. or on the Town website under the BOZA December 12th meeting.

The meeting will be held in person and virtually, a link to the meeting will be available on the website.

By Authority of
The St. Michaels Board of Zoning Appeals

Public Notice
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By Authority of
The St. Michaels Board of Zoning Appeals

3006389 SD

11/27,12/4/2022

11-27-22

202 Locust

BOZA 22-614
Board of Appeals Public Hearing: Monday December 12, 2022
List of adjacent property owners to:
Map 0200 Parcel 1507

BYRNE DENNIS C Parcel 1507
1616 NORTH GARFIELD
ARLINGTON VA 22201-3924

MITCHELL STEPHEN RAY Parcel 1516
MITCHELL ELLEN S
115 DUKE ST
ALEXANDRIA VA 22314-3803

BYRNE THOMAS E Parcel 1505, 1505A, 1517, 1504,
1400 N 14TH ST
ARLINGTON VA 22209-3693

District: **02** Account Number: **064545**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

202 Locust

Sign Maintenance Agreement

1 sign -

Appeal # 22-614

I (we), the petitioner(s) of this appeal, agree that I (we) will be responsible for the continuous maintenance, during the period prior to the hearing date, of the sign which I (we) agree to pick up from the Town Office and have posted on the property (visible to the public ways) for purposes of this hearing. I (we) further agree to notify the Board of Appeals if at any time during the required posting period this sign is not properly posted. The required posting period is two (2) weeks or fourteen (14) days prior to hearing date, not including date of hearing.

Said sign is to be returned to the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street the night of the hearing or within five (5) days after the hearing.

*****PLEASE NOTE: CORNER LOTS MUST POST 2 SIGNS, ONE FOR EACH ROAD FRONTAGE.**

******FAILURE TO RETURN SIGN WILL RESULT IN A \$50.00 PENALTY******

12-12-22
Hearing Date

11-17-22
Filing Date

11-17-22
Posting Date


Applicant's/Agent's Signature

Applicant's/Agent's Signature

Lower section to be completed the night of the hearing

SIGN AFFIDAVIT

I hereby affirm under penalties of perjury that the subject property was posted as required on _____ (date) and to the best of my knowledge, information and belief the posting remained in place until _____ (date).

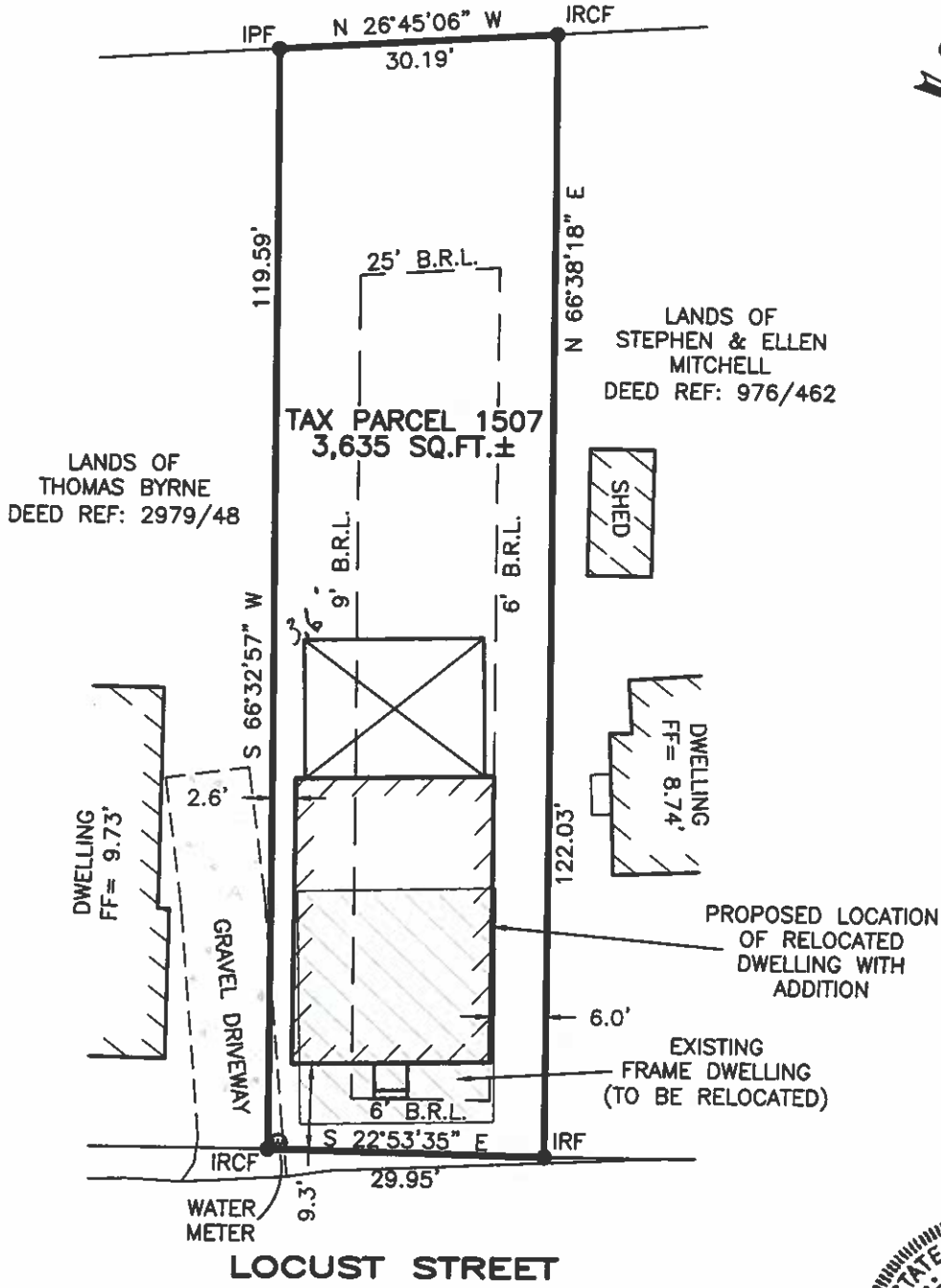
_____ Check if sign was returned the night of Applicant's hearing.

Signature of Applicant/Agent

OFFICE USE ONLY

LANDS OF
THOMAS BYRNE
DEED REF: 2275/118

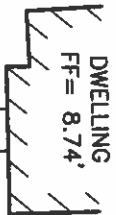
MARYLAND STATE PLANE
COORDINATE SYSTEM (NAD83)



LANDS OF
STEPHEN & ELLEN
MITCHELL
DEED REF: 976/462

LANDS OF
THOMAS BYRNE
DEED REF: 2979/48

TAX PARCEL 1507
3,635 SQ.FT.±



PROPOSED LOCATION
OF RELOCATED
DWELLING WITH
ADDITION

EXISTING
FRAME DWELLING
(TO BE RELOCATED)

LOCUST STREET



GENERAL NOTES

- 1) PROPERTY: 202 LOCUST ST
ADDRESS: ST MICHAELS, MD 21663
- 2) DEED REFERENCE: 2979 / 48
- 3) CURRENT ZONING: R2
SETBACKS:
FRONT: 6'
REAR: 25'
SIDE: MIN 6' AGG. 15'
- 4) THE LAND SHOWN HEREON LIES ENTIRELY
WITHIN FLOOD ZONE X PER F.I.R.M. PANEL
24041C0161D EFF 07/20/2016.
- 5) IRCF DENOTES IRON ROD WITH CAP FOUND
- 6) IRF DENOTES IRON ROD FOUND
- 7) IPF DENOTES IRON PIPE FOUND

SURVEYOR CERTIFICATION

THIS PLAT HAS BEEN PREPARED BY ME PERSONALLY
OR UNDER MY RESPONSIBLE CHARGE AND COMPLIES
WITH THE REQUIREMENTS AS SET FORTH IN REGULATION
09.13.06.12 OF THE MARYLAND MINIMUM STANDARDS
OF PRACTICE FOR SURVEYORS. MY MARYLAND
PROFESSIONAL LAND SURVEYOR LICENSE IS CURRENT
WITH AN EXPIRATION DATE OF FEBRUARY 10, 2023.

Christopher D. Waters 11/04/22
CHRISTOPHER D. WATERS DATE
PROFESSIONAL LAND SURVEYOR
MARYLAND No. 11052

**DAVIS,
BOWEN &
FRIEDEL, INC.** ARCHITECTS ENGINEERS SURVEYORS

EASTON, MARYLAND (410) 770-4744
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PLAT SHOWING
THE LANDS OF
DENNIS C. BYRNE

TAX MAP: 200, GRID: SM, PARCEL: 1507
IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY, MARYLAND

Date: 11/4/22 Scale: 1" = 20' Proj.No.: 4323

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