

Board of Zoning Appeals Exhibit List
BOA 23-616 – Variance
234 Perry Cabin Drive Map 200 Parcel 2168

Property Owner: Paul Wilder and Daphne Kott
Applicant: Same
Case No.: BOA 23-616
Hearing Date: March 28, 2023

Applicants Exhibits:

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

1. Variance Application, filed on February 19, 2023, with cover letter.
2. Responses to variance request
3. Site Plan
4. Staff report prepared by Town Planner Steve Ball dated March 7, 2023
5. Written property excerpt from Maryland Department of Assessments and Taxation.
6. Notice of Public Hearing.
7. Certification of public notice publication dated March 12 and March 19, 2023
8. List of adjacent property owners notified.
9. Affidavit of property posting.

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

Variance

Fee \$150.00 Plus advertising/public notice costs
Total CHK # 3561
Date paid 3-1-23

Number 23-616
Date filed 2-19-23
Date of hearing 3-28-23
Dates of public notice 3/19 3/19
Applicant(s) notified
Property posted
Decision _____
Applicant(s) notified _____

To the St. Michaels Board of Zoning Appeals: Variance

Subject Property:

Location: 234 Perry Cabin Drive

Name(s) of Owner(s): Paul Wilder & Daphne Kott

Mailing address(s): 2410 Page Terr., Alex. VA 22302

Telephone number(s): 703.963.4320


Name(s) of Applicant(s)/Appellant(s): Paul Wilder & Daphne Kott

Mailing address(s): 234 Perry Cabin Drive

Telephone number(s): 703.963.4320

Is property in question the subject of any other pending application? NO

If so, give number and date N/A


Signature(s) of Applicant(s)/Appellant(s) Paul Wilder Daphne J. Kott
Daphne Kott

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.

 Daphne J. Kott, Paul Wilder Daphne Kott 02-19-2023
Signature Printed Name Date

February 19, 2023

St. Michaels Board of Zoning Appeals
300 Mill Street
P.O. Box 206
St. Michaels, MD 21663

Re: Variance of the provisions set forth in Chapter 340 (Zoning) Art. VIII (Board of Zoning Appeals Procedures)
234 Perry Cabin Drive
St. Michaels, MD 21663

To whom it may concern;

We are pleased to submit this Variance application for the above referenced address for the construction of a patio. We are requesting a reduction in the required zoning setback for a patio installation from the required 3 ft. to 1 ft. from and shared property line of 232 Perry Cabin Drive (see attached plat for detail). This request is being made to allow for the patio to align with the existing deck without affecting the adjacent neighbors. This request is in harmony with the neighborhood and will not negatively impact the Homes at Perry Cabin community. It should be noted that the application for the patio location was reviewed and approved by the Homes at Perry Cabin architectural committee and the overall Homeowners Association Board of Directors. Thank you for the opportunity to submit this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daphne J. Kott". The signature is written in a cursive style with a large initial "D".

Paul Wilder & Daphne Kott
234 Perry Cabin Drive
St. Michaels, MD 21663



ST. MICHAELS BOARD
OF ZONING APPEALS

300 Mill Street
P.O. Box 206
St. Michaels, MD 21663

Telephone: 410.745.9535

Facsimile: 410.745.3463

Settled 1670-1680

Incorporated 1804

APPLICANTS SEEKING A VARIANCE OF THE PROVISIONS SET FORTH IN CHAPTER 340 (ZONING) ARTICLE VIII (BOARD OF ZONING APPEALS PROCEDURES) OF THE TOWN OF ST. MICHAELS CODE ARE RESPONSIBLE FOR FILING THE FOLLOWING:

1. Completed application.
2. Application Fee in the amount of \$150.00.
3. Written response demonstrating the following:
 - (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 Homes at Perry Cabin are unique to St. Michaels in that they are townhomes which, with the exception of end units, abut each other and, as such, are contiguous.**
 - (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. **Existing town setback requirements disproportionately and negatively impact the ability of Homes at Perry Cabin property owners by limiting the size of decks, patios, and sunroom type structures unnecessarily.**
 - (c) Such special conditions or circumstances must not be the result of any action or actions of the applicant. **The footprint of the structures in the community has not changed in the 40 years since the development was built. Adjacent interior units have always been a feature of the development.**
 - (d) 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 Homes at Perry Cabin has defined and enforces a rigid set of architectural standards meant to protect the rights of all homeowners in the development. These exist to establish the character and protect the value of the neighborhood through design consistency. The defined process also subjects applications to neighbor notification and two levels (Architecture Committee, Board of Directors) of formal approval before projects move forward for town approval.**
 - (e) The variance granted must be the minimum necessary to afford relief. **As stated above, this petition means to allow the continued renovation/addition of aforementioned structures of the type that already exist within the community.**

- (f) 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.

(Acknowledged)

Upon receipt of the above noted, the Board of Zoning Appeals shall set a hearing date and the applicant shall be notified of said date.

It should be noted that in addition to the above noted, the applicant shall be responsible for:

The posting and maintaining of a sign (§340- 139) of the above noted Article) for a period of 15 days prior to the scheduled hearing; and

- The payment of postage costs associated with the written notification to the adjacent property owners of the scheduled hearing.
- The cost of advertising/public notice costs.

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 107104

Owner Information

Owner Name: WILDER PAUL ANDREW Use: RESIDENTIAL
 KOTT DAPHNE JEAN Principal Residence: NO
 Mailing Address: 2410 PAGE TER Deed Reference: /02821/ 00441
 ALEXANDRIA VA 22302-0000

Location & Structure Information

Premises Address: 234 PERRY CABIN DR Legal Description: BLDG 2, UNIT 6
 ST MICHAELS 21663-0000 PERRY CABIN DRIVE
 ST MICHAELS, PLAT 61/28

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0200	0000	2168	10110006.21	0000				2023	

Town: ST. MICHAELS

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1984	2,250 SF		5,960 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	END UNIT	BRICK	6	2 full/ 2 half		

Value Information

	Base Value	Value	Phase-In Assessments	As of
Land:	240,000	255,000	As of	07/01/2022
Improvements	380,700	468,400	As of	07/01/2023
Total:	620,700	723,400		
Preferential Land:	0	0	620,700	654,933

Transfer Information

Seller: ANTWERPEN JACOB M	Date: 03/19/2021	Price: \$720,000
Type: ARMS LENGTH IMPROVED	Deed1: /02821/ 00441	Deed2:
Seller: BISGAARD SOREN	Date: 06/14/2012	Price: \$415,000
Type: NON-ARMS LENGTH OTHER	Deed1: /01993/ 00068	Deed2:
Seller: MEREDITH, CLIFFORD E	Date: 09/01/2004	Price: \$624,500
Type: ARMS LENGTH IMPROVED	Deed1: /01272/ 00772	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	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

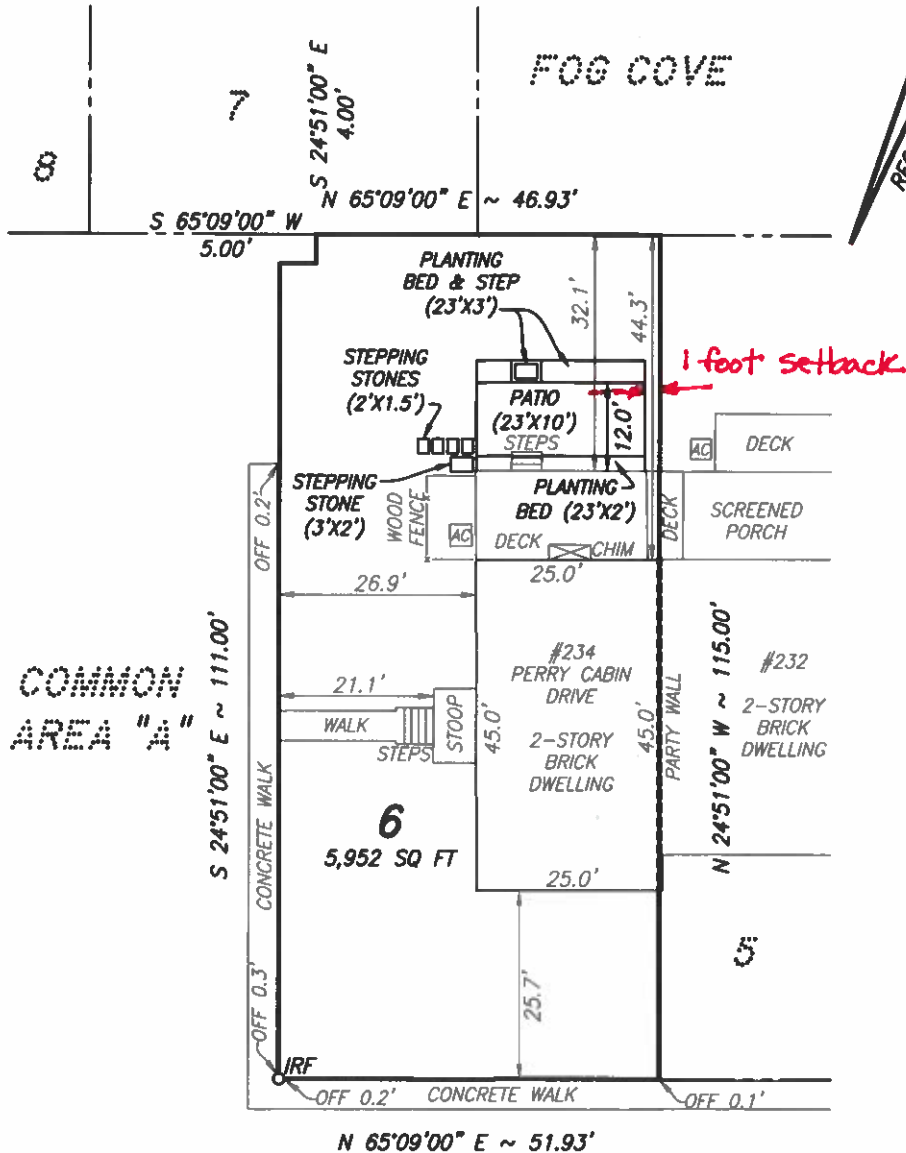
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

NOTE: TAX ACCOUNT IDENTIFIER DISTRICT - 2, ACCOUNT NUMBER - 107104

RECORD NORTH
DB. 61, PG. 28



COMMON
AREA "A"

COMMON
AREA "A"

PLAT

SHOWING PHYSICAL IMPROVEMENT SURVEY
AND PROPOSED PATIO WITH STEPPING STONES ON
LOT 6, BUILDING 2

PERRY CABIN

DB. 61, PG. 28
SECOND DISTRICT

TALBOT COUNTY, MARYLAND

Matthew Miller

2-19-23

MATTHEW R. MILLER
PROFESSIONAL LAND SURVEYOR No. 21991
LICENSE EXPIRES 12/16/2022

DATE

SCALE: 1" = 20'
DATE: OCTOBER 15, 2022

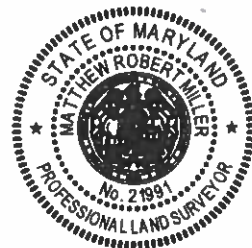
OWNER: PAUL WILDER

DEED BOOK REF: 2821/441
PLAT SUBJECT TO
RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED,
THUS ALL EASEMENTS MAY NOT
BE SHOWN.

R C FIELDS

& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING
700 S. Washington Street, Suite 220 www.rcfassoc.com
Alexandria, Virginia 22314 (703) 549-6422



MATTHEW R. MILLER, PROFESSIONAL LAND SURVEYOR NO. 21991 PERSONALLY PREPARED
THIS PLAT AND WAS IN DIRECT RESPONSIBLE CHARGE OVER THE SURVEYING
WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
REGULATION 12 OF COMAR TITLE 9, SUBTITLE 13, CHAPTER 09.13.06.

DRAFTED: WDS CHECKED: MRM

Variance Exhibit

THE COMMISSIONERS OF ST. MICHAELS

OFFICE OF CODE ENFORCEMENT, PLANNING AND ZONING

300 MILL STREET

P.O. BOX 206


ST. MICHAELS, MD 21663

TELEPHONE: 410.745.9535

FACSIMILE: 410.745.3463

SETTLED 1670-1680

INCORPORATED 1804

TO: Board of Zoning Appeals
FROM: Steve Ball, Town Planner/Zoning Officer 
REPORT DATE: March 7, 2023
HEARING DATE: March 28, 2023
RE: Case No. 23-616
Application for a variance from the side yard setback

APPLICANT: Paul Wilder & Daphne Kott, 234 Perry Cabin Drive, St. Michaels, Maryland.

REQUEST: The request is for a variance to the side yard setback standard for accessory use structures in order to allow the property owners to construct a patio or other similar accessory uses up to 1' of the side property line. §340-101 of the Zoning Ordinance addresses accessory structure in residential districts, and requires a minimum of 3' side setback and a rear setback of 5'. The request only addresses the side yard setback. The request would allow the applicant to construct a patio in a more uniform manner.

BACKGROUND: The applicant applied for a building permit to install a patio up to the side yard. It was subsequently rejected and requested to amend the application and set back the patio 3' from the property line. The applicant was advised of the required setback and has requested a variance to such.

The zoning district is R1, Residential and does not make a distinction between single family and duplex or townhouse type of developments. Townhouse developments often have structures adjoining property lines, and granting the approval would provide for greater design continuity of the development. The applicant asserts that patios and decks up to the adjacent property line would be more in harmony with the design aesthetic of the community.

PUBLIC NOTICES: The adjacent townhouse residents were provided written notices. The site was posted and an advertised public hearing was published in the newspaper. Notice was posted at Town Hall and on the Town's web page.

SUMMARY/RECOMMENDATION: It would be appropriate for the zoning code to be amended in the future to distinguish development standards that are different for duplexes and townhouses from single family development. Staff thinks the request would be in harmony with the code's intent and recommends approval.

ATTACHMENTS:

"A" Criteria for Approval

"B" Application & Supporting Documents

ATTACHMENT "A"

CRITERIA FOR REVIEW, APPROVAL:

- (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.*

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

The public is hereby notified that the St. Michaels Board of Zoning Appeals (BOZA) will hold a public hearing for variance application #23-616, a request to amend the side yard setback requirements per Chapter 340-101(G)(3) for accessory use structures of the Code of St. Michaels. The application is to provide for the placement of accessory uses (patio) for the property located at 234 Perry Cabin Drive up to one foot (1') of the side yard property line as proposed by Paul Wilder and Daphne Kott.

The case will be heard on Tuesday, March 28th at 5:30pm as part of the BOZA regular meeting. The meeting will be held at the Boy Scout Cabin in the Town of St. Michaels, 407 St. Mary's Square and will also be held virtually and a link to the meeting will be available on the website.

A copy of application is available online for review.

By Authority of
The St. Michaels Board of Zoning Appeals

The above notice is to be published on March 14th and March 21st in the Easton Star Democrat newspaper

APG Media of Chesapeake, LLC

**INVOICE
02/28/23**

29088 Airpark Drive
Easton, MD 21601

Phone: Fax:

Cust. AcctID: 131	Creation Date: 02/28/23
Name: KIM SHELLEM	Ad Date: 03/12/23
Company: TOWN OF ST. MICHAELS	Class: 10
(L) Address: 300 MILL STREET	Ad ID: 3015105
PO BOX 206	Words: 180
ST. MICHAELS, MD 21663	Lines: 21
	Agate Lines: 66
	Depth: 2.75
	Inserts: 4
	Blind Box:

Other Charges:	\$0.00	Total:	\$192.50
Discount:	\$0.00	Paid Amount:	- \$0.00
Surcharge:	\$0.00	Amount Due:	\$192.50
Credits:	\$0.00		
Bill Depth:	2.75		

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	
The Star Democrat	03/12/23	03/19/23	2	\$192.50

Ad Note:

Customer Note:

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

The public is hereby notified that the St. Michaels Board of Zoning Appeals (BOZA) will hold a public hearing for variance application #23-618, a request to amend the side yard setback requirements per Chapter 340-101(G)(3) for accessory use structures of the Code of St. Michaels. The application is to provide for the placement of accessory uses (patio) for the property located at 234 Perry Cabin Drive up to one foot (1') of the side yard property line as proposed by Paul Wälder and Daphne Kott.

The case will be heard on Tuesday, March 28th at 5:30pm as part of the BOZA regular meeting. The meeting will be held at the Boy Scout Cabin in the Town of St. Michaels, 407 St. Mary's Square and will also be held virtually and a link to the meeting will be available on the website.

A copy of application is available online for review.

By Authority of
The St. Michaels Board of Zoning Appeals
3015105 SD 3/12 3/19/2023

*We Appreciate Your Business!
Thank You KIM SHELLEM!*

BOZA 23-616

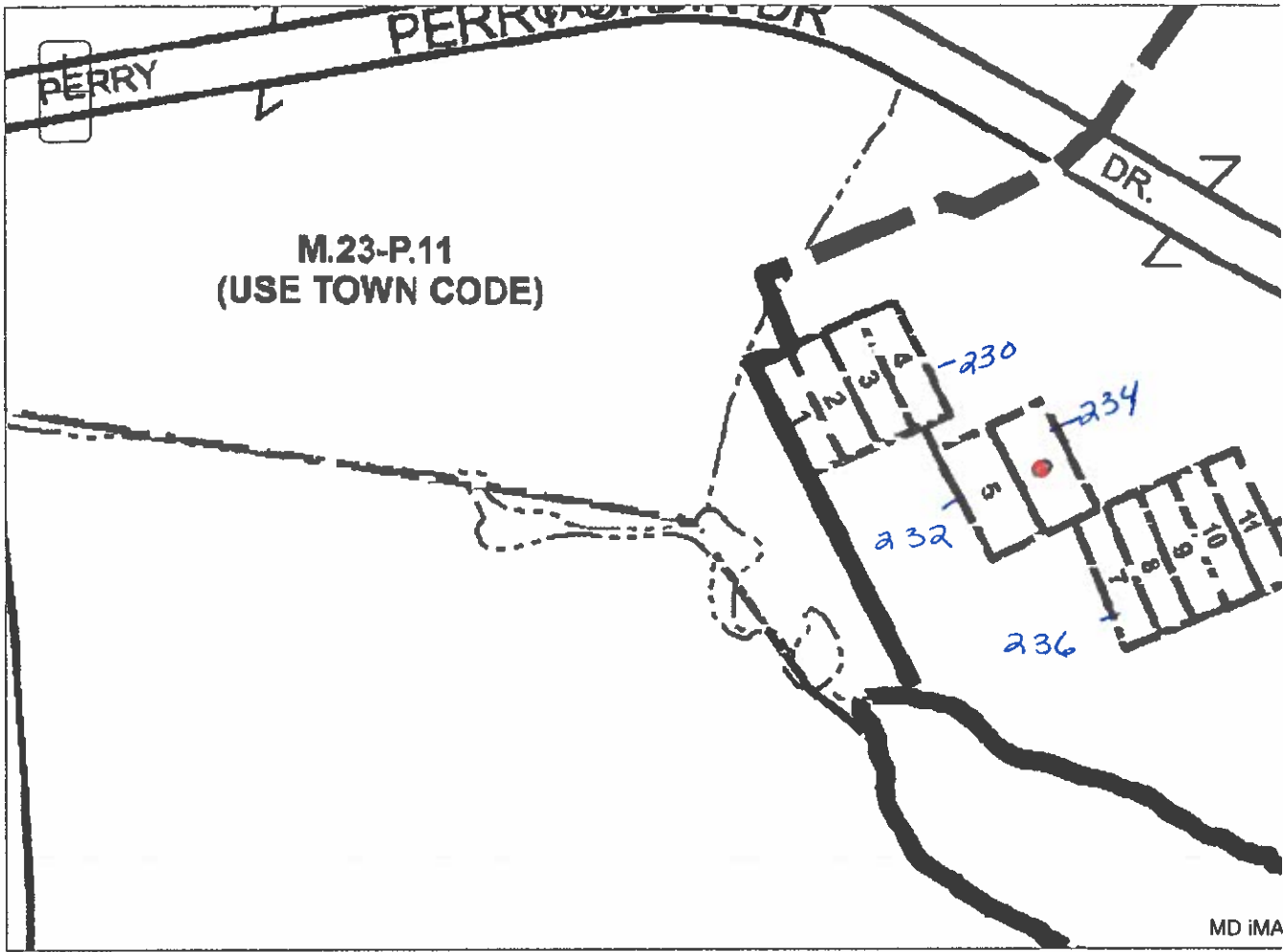
Paul Wilder

Board of Appeals Public Hearing: Tuesday March 28, 2023

List of adjacent property owners to: Paul Wilder 232 Perry Cabin Drive
Map 0200 Parcel 2168

PAUL ANDREW WILDER DAPHNE KOTT 2410 PAGE TER ALEXANDRIA VA 22302-0000	234 Perry Cabin Drive, Unit 6
RYAN & JULIE KELLY 1700 E CLARENDON BLVD UNIT 152 ARLINGTON VA 22209-0000	232 Perry Cabin Drive, Unit 5
ALEX W CANNON & MARINA LIEM 1512 BUCK CREEK DR MORRISVILLE PA 19067-0000	230 Perry Cabin Drive, Unit 4
NEAL & HARRIET GRUNSTRA 1830 FOUNTAIN DR #1102 RESTON VA 20190-0000	236 Perry Cabin Drive, Unit 7

District: **02** Account Number: **107104**



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>).

Sign Maintenance Agreement

Appeal # 23-616

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****

March 28, 2023
Hearing Date

Filing Date

March 1, 2023
Posting Date

Paul Wilder
Applicant's/Agent's Signature

Daphne J. Kott Daphne Kott
Applicant's/Agent's Signature

Check when sign is returned to the Town Office.