



Board of Zoning Appeals MEETING AGENDA

Tuesday, March 21, 2023 - 9:00 AM
Council Chambers, Easton Town Office
14 S Harrison Street

1. Call to Order

2. Approval of Minutes.

- a. Approval of the Draft Decision Summary from the February 21, 2023 meeting.

3. Applications

- a. **Application:** V-872 / V 23-02
Applicant: Courtney Philbin
Location: 601 & 603 Walnut Lane
Tax Map 106, Grid 000, Parcel 2576
Zoning District: R-10A
Request: Variance request from the following section of the Zoning Ordinance: from Section 28-302.2 (A) to request a variance from the minimum 10,000 square foot lot size. In addition, the applicant seeks to obtain a variance from Section 28-303.2(C) to request a variance from the new line of division between the interior walls of the 2 existing units from the required 8' side setback to 0' in the R-10A zoning district.
- b. **Application:** SE-875 / SE 23-03
Applicant: Talbot Bible Church
Location: 9114 Chapel Road
Tax Map 025, Grid 018, Parcel 0142, Lot 1
Zoning District: R-10A
Request: Special Exception request for Day Care, Group use (2) 221 in Table 2.1 of Section 28-201 to be utilized as a day care in the R-10A zoning district.



**Town of Easton Board of Zoning Appeals
Draft Decision Summary**

Tuesday, February 21, 2022 at 9:00 a.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton

Archived video of the meeting is available at:
[Town of Easton Agendas and Minutes](http://eastonmd.gov)
 [\(eastonmd.gov\)](http://eastonmd.gov)

Attendance:

Board Members:

Peter Cotter, Chairman
Gary Molchan, Vice Chairman
Zakary A. Krebeck

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Planner

1. Call to Order—Chairman Cotter called the meeting to order at 9:00 a.m.

2. Decision Summary Review—
December 20, 2022-

Vice Chairman Molchan moved to approve the December 20, 2022 Decision Summary. Chairman Cotter seconded the motion.

<u>Vote</u>	<u>3-0</u>
FOR:	3- Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

3. Applications —

a. Applicant: Marlboro Plaza Business Trust
File No.: SE-843
Agent: Escape Time LLC
Location: 108 Marlboro Avenue, Easton, MD 21601
Tax Map 101, Grid 021, Parcel 0493, Lot 6

Zoning: CG

Request: The applicant is requesting a Special Exception from the following section of the Zoning Ordinance: Section 28-201 Permitted Uses (Table 2.1 (4) (419)) to allow the operation of an escape room (categorized as “Any Recreational-Entertainment Use Not Listed Above”) in the Commercial General (CG) zoning district with a PUD overlay.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Jose Matos, Co-Owner of Escape Time LLC

Russel Paterno, Co- Owner of Escape Time LLC

Public Comment— None

Board Member Krebeck moved to approve the Special Exception request and to adopt the suggested staff findings. Vice Chairman Molchan seconded the motion.

<u>Vote</u>	<u>3-0</u>
FOR:	3- Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

b. Applicant: Easton Shopping Center LLC

File No.: SE-855

Agent: Jake Reid, Easton Baptist Church

Location: 101 Marlboro Avenue Ste 45, Easton, MD 21601
Tax Map 101, Grid 021, Parcel 0485

Zoning: CG

Request: The applicant is requesting a Special Exception from the following section of the Zoning Ordinance: Section 28-201 Permitted Uses (Table 2.1 (3) (305)) to allow a house of worship in the Commercial General (CG) zoning district.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Jake Reid, Pastor of Easton Baptist Church
Tim Chase, Treasurer

Public Comment:

Al Silverstein, Town of Easton Council Member Ward 1

Chairman Cotter moved to approve the Special Exception request and to adopt the staff's proposed findings. Board Member Krebeck seconded the motion.

<u>Vote</u>	<u>3-0</u>
FOR:	3- Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

c. Applicant: 4 Dogs Brewing Company LLC

File No.: V-857

Agent: % Zachary A. Smith

Location: 219C Marlboro Avenue, Easton, MD 21601
Tax Map 101, Grid 000, Parcel 0265, Lot 7

Zoning: CG

Request: The applicant is requesting a setback Variance from the following section of the Zoning Ordinance: Section 28-1007.2 (16a) to allow a craft beverage manufacturing facility and restaurant within 1000 feet of a place of worship. Staff recommends the following conditions:

1. Outdoor entertainment shall be non-amplified.
2. Promotional and special events shall be limited to a maximum of 8 events per year and shall have a maximum attendance of 200 persons.

Staff Presentation:

Nicholas Johnson, Planner
Lynn B. Thomas, Town Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Zachary A. Smith
Patrick Raegan, Owner of 4 Dogs Brewing Company LLC

Public Comment: None

Board Member Krebeck moved to approve the Variance setback request and to adopt findings consistent with those suggested by the staff and as submitted in writing by the Applicant (“Attachment A”). Chairman Cotter seconded the motion.

<u>Vote</u>	<u>3-0</u>
FOR:	3- Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- 4. Adjournment**– Chairman Cotter motioned to adjourn. Vice Chairman Molchan seconded. The meeting was adjourned at 9:43 a.m.



Samantha Smith <ssmith@eastonmd.gov>

Board of Zoning Appeals Meeting_601 & 603 Walnut Lane

3 messages

Samantha Smith <ssmith@eastonmd.gov>

Tue, Mar 14, 2023 at 10:10 AM

To: Courtney

Cc: Elizabeth Fink, Nicholas Johnson <njohnson@eastonmd.gov>

Ms. Philbin,

Please find attached digital copies of the agenda and application items as exhibits for application 601 & 603 Walnut Lane to be presented before the Easton Board of Zoning Appeals on **Tuesday, March 21, 2023 at 9:00am.**

In addition, digital copies are also available for review via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>. If you have any questions regarding this application or any additional comments, please contact the Planning Office at (410) 822-1943 or via e-mail at ssmith@eastonmd.gov.

Samantha N. Smith

Administrative Specialist

Planning & Zoning Department

Town of Easton, MD

410-822-1943

**BOZA Packet_ 601&603 Walnut Lane.pdf**

7293K

Courtney

Tue, Mar 14, 2023 at 10:15 AM

To: Samantha Smith <ssmith@eastonmd.gov>

Cc: Elizabeth Fink, Nicholas Johnson <njohnson@eastonmd.gov>

Hello,

I spoke with Nicholas yesterday, and I have to request an additional variance, so I'd like to request to move my session to April, and that way it can all be heard and decided on in one event versus two.

Best regards,

Courtney Philbin

Samantha Smith <ssmith@eastonmd.gov>

Tue, Mar 14, 2023 at 10:17 AM

To: Courtney

Cc: Elizabeth Fink, Nicholas Johnson <njohnson@eastonmd.gov>

Thank you, Courtney.

I will submit this request to continue for the record.


Town of Easton

Engineering, Planning and Zoning

14 South Harrison Street, Easton, MD 21601

Board of Zoning Appeals Application
Application Type


Variance



Appeal



Special Exception

Property Information

Address	603/601 Walnut Ln 21601				
Tax Map	106	Grid	000	Parcel	2576
Deed Reference:	Liber		Folio		
Plat Reference:	Liber		Folio		
Existing Use					
Zoning District	R-10A				
Historic District	Y ☐	N ☐	PRD	Y ☐	N ☐

Owner

Name	Courtney Philbin				
Mailing Address	603 Walnut Ln				
Telephone No.	602 295 6047	Email	cphilbin@gmail.com		

Applicant or Agent

Name	same as above				
Mailing Address					
Telephone No.		Email			

Surveyor / Engineer

Name		License No.		Expiration Date	
Mailing Address					
Telephone No.		Email			

Request Details

Subject to Previous BOZA Application Y ☐ N ☐

Zoning Ordinance Section Section 28-303.2 (A), 28-303.2 (C)

Change From to

Please describe the purpose of the request being made to the Board of Appeals including all information pertinent to said request. Attach a formal letter detailing request.

603/601 are one "house" and I would like to separate them so that 601 is a stand alone entity albeit attached to 603
--

- If the applicant is other than the owner, include a letter of certification from the owner.
- Attach five (5) copies of the recorded Deed conveying present ownership of the property.
- Attach five (5) copies of scaled plat sketch or site plan with all dimensions of lot, setbacks, improvements and the distances between any improvements.

- Provide all information related to any restrictions to the property recorded among the Land Records of Talbot County.
- Provide all information related to any restrictions imposed by Homeowner Associations, etc.
- Include any additional information, related to the request being made of the Board of Appeals.
- Fee Payment

Any modifications during review shall warrant an updated application.

I do hereby solemnly declare and affirm that the information provided by this application and the documents attached hereto accurately represent the conditions of the request and that submission of an incomplete application will be returned for correction prior to processing.

Signature of Applicant or Agent

Courtney Philbin
Date *2/17/2023*
Printed Name of Applicant or Agent *Courtney Philbin*

For Office Use Only

Project Number	V 23- 02	Fee Received	\$250
Application Number	V-872	Application Notification	02/28/2023
Filing Date	02/17/2023	Property Posting Date	03/03/2023
BOZA Hearing Date	03/21/2023	Notice(s) Published	03/05/2023
If ESDR, Date		See Exhibit 'F'	

* \$400 PAID on
02/17/2023 for (2)
Record Plat Reviews

RECEIVED

FEB 17 2023

TOWN OF EASTON

Revised 2-2019



FINK, WHITTEN & ASSOCIATES, LLC

Land Surveying • Land Planning • Environmental Consulting • Permitting
www.finkwhitten.com

**504 Maryland Avenue
Cambridge, MD 21613
410-228-8885 phone
410-228-8845 fax**

**113 East Dover Street
Unit C, 1st Floor
Easton, MD 21601
410-822-8484**

February 20, 2023

Board of Zoning Appeals
Town of Easton – Engineering, Planning and Zoning
14 South Harrison Street
Easton, MD 21601

RE: Variance Request - Courtney Philbin, owner and applicant
601 / 603 Walnut Avenue, Easton
Map 106, Parcel 2976 – Zoned R-10A

Dear Members of the Board of Zoning Appeals:

Ms. Courtney Philbin is the owner of property located at 601 / 603 Walnut Avenue, currently a duplex sharing one common tax parcel. Each unit, 601 Walnut Avenue and 603 Walnut Avenue, currently pays separate water, sewer and electric bills – and are individual units by all counts, except for the underlying land. Ms. Philbin has worked diligently to enhance the dwelling and would like the opportunity to sell the units individually to include the underlying lands. In order to do so, the units must be formally subdivided in which case, a variance of the following are required:

Town of Easton Zoning Code, Section 28-303.2A which states that the “minimum lot size for all uses shall be 10,000 square feet”: Per the attached subdivision plat, Proposed Lot 1 (601 Walnut) is 5,235 square feet and Proposed Lot 2 (603 Walnut) is 6,926 square feet. The new line of division follows the interior wall that separates the two units and includes the underlying land. It is this interior wall the dictates the lot areas to be subdivided for each unit. As no new construction is proposed and conditions are “existing”, with the exception of ownership of the underlying land with the proposed subdivision, we request the Board’s approval to reduce the minimum lot size for Lot 1 from 10,000 square feet to 5,235 square feet and for Lot 2 from 10,000 square feet to 6,926 square feet.

Town of Easton Zoning Code, Section 28-303.2C (3) which states that “Side setback – two side setbacks are required of eight (8) feet each”: Per the attached subdivision plat, the new line of division (as stated above) follows the interior wall that separates the two units and includes the underlying land. This new line of division is considered a “side” and therefore, is required to have a setback of 8’ on either side. However, as the dwelling has 2 existing units, separated by a common wall, it is not possible to meet the side setback. As no new construction is proposed and conditions are “existing”, with the exception of ownership of the underlying land with the proposed subdivision, we request the Board’s approval to reduce the side setback along the new line of division, between Lots 1 and 2, from the required 8’ to 0’.

Town of Easton Zoning Code, Section 28-303.2G which states “For single family dwellings, the maximum density permitted in the R-7A district shall be 3.5 dwelling units per acre”. The parcel, before subdivision, is 12,161 square feet in area and currently contains 2 independent dwelling units, paying separate utility bills and having separate addresses. The density currently exceeds the code requirements and as an existing condition and nothing will change by virtue of the proposed subdivision with the exception of the ownership of the underlying lands. Further, generally, the density throughout the subdivision and this area exceeds the code requirements. As no new construction is proposed and conditions are “existing”, with the exception of ownership of the underlying land proposed with the subdivision, we request the Board’s approval to increase the density for this parcel only, to include proposed Lots 1 and 2.

In light of the above, we respectfully ask that you grant relief with the variance requests as outlined. Thank you in advance of this consideration.

Sincerely,
Fink, Whitten & Associates, LLC

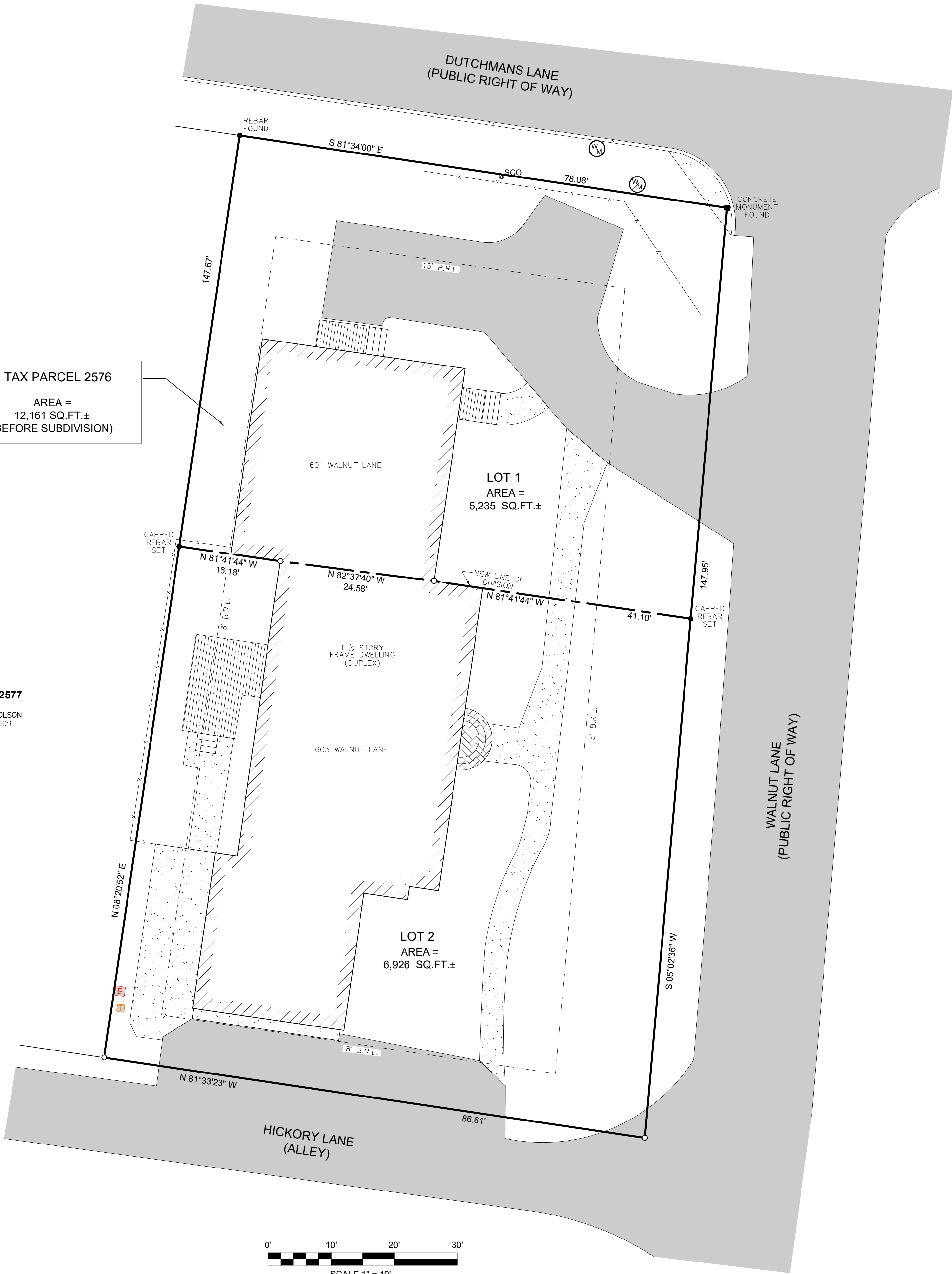
Elizabeth

Elizabeth Fink
Co-owner, Planner

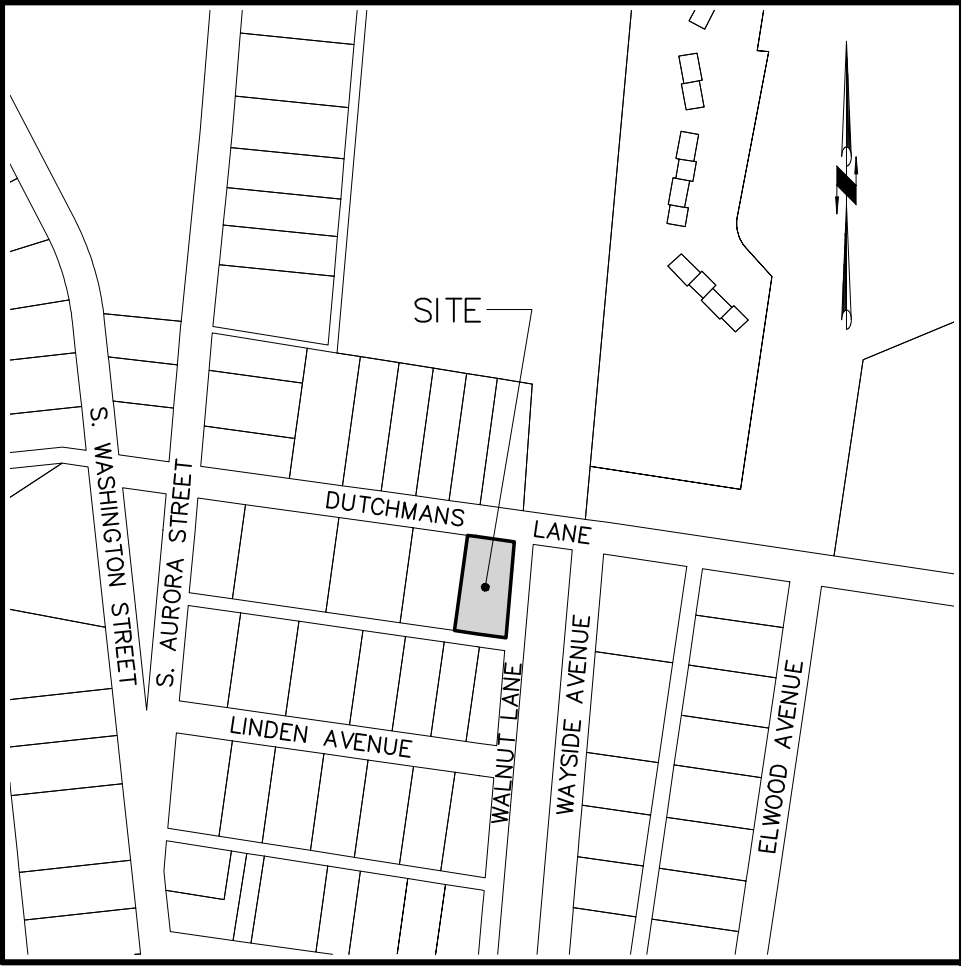


TAX PARCEL 2576
AREA =
12,161 SQ.FT.±
(BEFORE SUBDIVISION)

PARCEL 2577
N / F
JOYCE B. TOLSON
2283 / 009



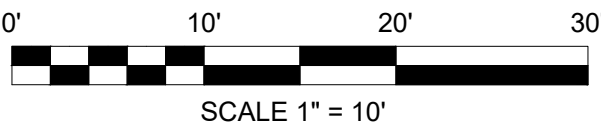
- LEGEND:**
- [Symbol] = PAVED SURFACE
 - [Symbol] = CONCRETE SURFACE
 - [Symbol] = WOOD SURFACE
 - [Symbol] = BRICK SURFACE
 - [Symbol] = BUILDING RESTRICTION LINE
 - [Symbol] = WATER METER
 - [Symbol] = SEWER CLEAN-OUT
 - [Symbol] = TELEPHONE PEDESTAL
 - [Symbol] = ELECTRIC TRANSFORMER
 - [Symbol] = COMPUTED POINT
 - [Symbol] = PROPERTY LINE (EXISTING)
 - [Symbol] = PROPERTY LINE (HEREBY ESTABLISHED)



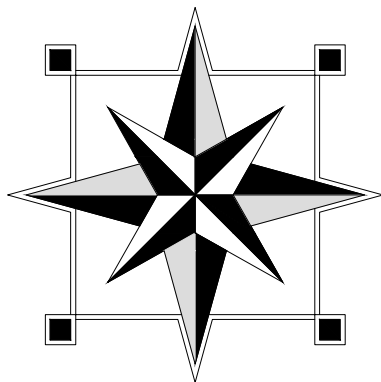
VICINITY MAP
SCALE: 1" = 300'

- GENERAL NOTES:**
- OWNER: COURTNEY PHILBIN
603 WALNUT LANE
EASTON, MD 21601
DEED REF.: 2989/256
PLAT REF.: 18/91 & 21/21
 - CURRENT ZONING INFORMATION:
DISTRICT: R10A – RESIDENTIAL DISTRICT
MINIMUM LOT SIZE: 10,000 SQ.FT.
MAXIMUM LOT COVERAGE: 100% WITHIN BUILDING ENVELOPE
MINIMUM SETBACKS:
FRONT 15'
SIDE 8'
REAR 30'
MINIMUM BUILDING ENVELOPE: 55' IN DEPTH X 30' IN WIDTH
MINIMUM STREET FRONTAGE: 35'
 - ON CORNER LOTS, ALL SIDES OF THE LOT WHICH FACE A STREET MUST COMPLY WITH THE APPLICABLE FRONT SETBACK. FOR THE PURPOSE OF DETERMINING SETBACKS, THE OTHER TWO YARDS SHALL BE DEEMED SIDE YARDS.
 - THE PROPERTIES SHOWN HEREON ARE LOCATED WITHIN FLOOD ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAPS COMMUNITY PANEL NO. 24041C01890 FOR TALBOT COUNTY, MARYLAND DATED JULY 20, 2016.
 - THE PROPERTIES SHOWN HEREON ARE LOCATED ENTIRELY OUTSIDE OF THE CHESAPEAKE BAY CRITICAL AREA.
 - SETBACK DIMENSIONS SHOWN HEREON ARE ROUNDED TO THE NEAREST 0.1'.
 - WATER SUPPLY & SEWAGE DISPOSAL: TOWN OF EASTON
 - TOTAL AREA SUBJECT TO REVISION: 12,161 SQ.FT.±

UNDERGROUND UTILITY WARNING:
NO INVESTIGATION AS TO THE EXISTENCE OF ANY UNDERGROUND UTILITIES WAS CONDUCTED IN THE PREPARATION OF THIS PLAT. IT IS THE RESPONSIBILITY OF THE OWNER, SUCCESSORS, OR ASSIGNS, AND/OR ANY CONTRACTOR TO COMPLY WITH THE UNDERGROUND FACILITIES DAMAGE PREVENTION LAW AND THE REQUISITE PERMITS ARISING THEREFROM.



SURVEYOR'S CERTIFICATE:
I, STEVEN W. WHITTEN, HEREBY CERTIFY THAT THE FINAL PLAT HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND CONVEYED BY ROCK HALL BUILDERS, LLC. TO COURTNEY PHILBIN BY DEED DATED JUNE 13, 2022 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 2989, FOLIO 256, AND THAT ALL MONUMENTS ARE IN PLACE. I ALSO CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION AND COMPLIES WITH SECTION 09.13.06.12 OF THE ANNOTATED CODE OF MARYLAND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF REVIEW OF AN ABSTRACT OF TITLE.
Steven W. Whitten
STEVEN W. WHITTEN
PROFESSIONAL LAND SURVEYOR MD. NO. 21326
(CURRENT LICENSE EXPIRES/RENEWS: 1 / 8 / 2025)

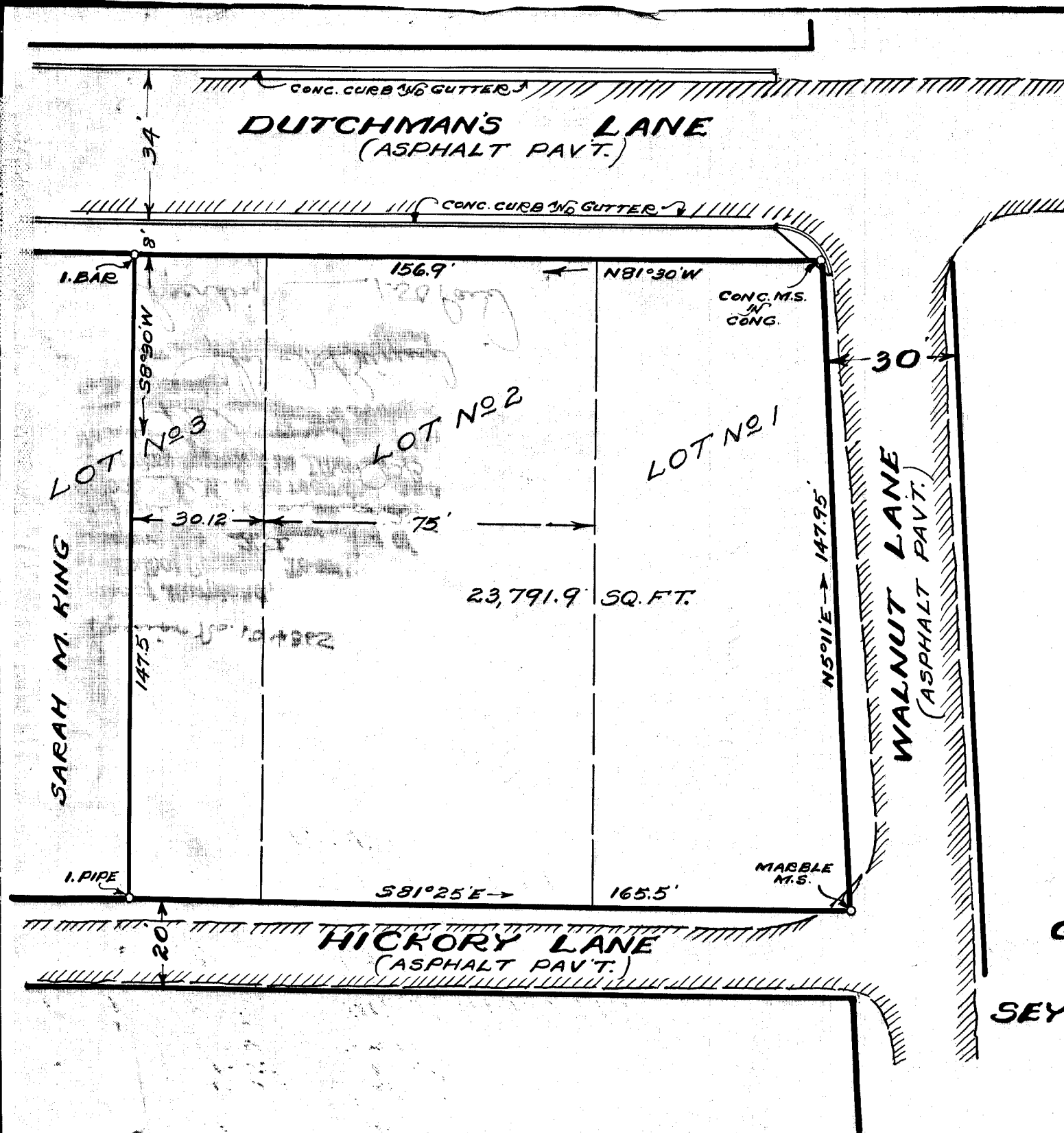


FINK, WHITTEN & ASSOCIATES, LLC.
LAND SURVEYING LAND PLANNING
ENVIRONMENTAL CONSULTING
PERMITTING
EASTON CAMBRIDGE
410-822-8484 410-228-8885
113 E. Dover St., Unit C 304 Maryland Avenue
Easton, Maryland 21601 Cambridge, Maryland 21613
www.FINKWHITTEN.com

DATE	REVISION

SUBDIVISION
OF THE LAND OF
COURTNEY PHILBIN
TAX MAP 106, GRID EA, PARCEL 2576
IN THE FIRST ELECTION DISTRICT
TOWN OF EASTON, TALBOT COUNTY, MARYLAND

DRAWN B.S.F.	CHECKED S.W.W.
DATE 2/20/2023	SCALE 1" = 10'
JOB NO. T-106-EA-2576	



TO U.S.-MD. ROUTE 50

THE MAYOR'S COUNCIL OF EASTON

WAYSIDE AVE.

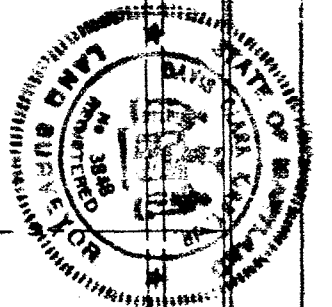
18/91

MAP
SHOWING
LOTS NOS. 1, 2, & A PORTION OF 3
IN
GODWIN'S SUB-DIVISION
OF
"MECKLENBURG"
SURVEYED FOR
SEYMOUR BUILDING SUPPLY, INC.
IN
THE TOWN OF EASTON
TALBOT COUNTY
MARYLAND.

SCALE: ~30' TO 1" JAN., 1965.

BY: *[Signature]*
SURVEYOR, MD. REG. 1445
ODD FELLOWS BUILDING, EASTON, MD.
J.R.

NOTE: BEARINGS ARE COMPUTED FROM THE ANGLES WHICH HAVE BEEN OBSERVED PRECISELY AND ARE REFERRED TO A MAGNETIC MERIDIAN CORRECTED FOR THE DECLINATION: DECLINATION AT PRESENT BEING APPROXIMATELY 8 DEGREES 25 MINUTES WEST



DUTCHMAN'S LANE

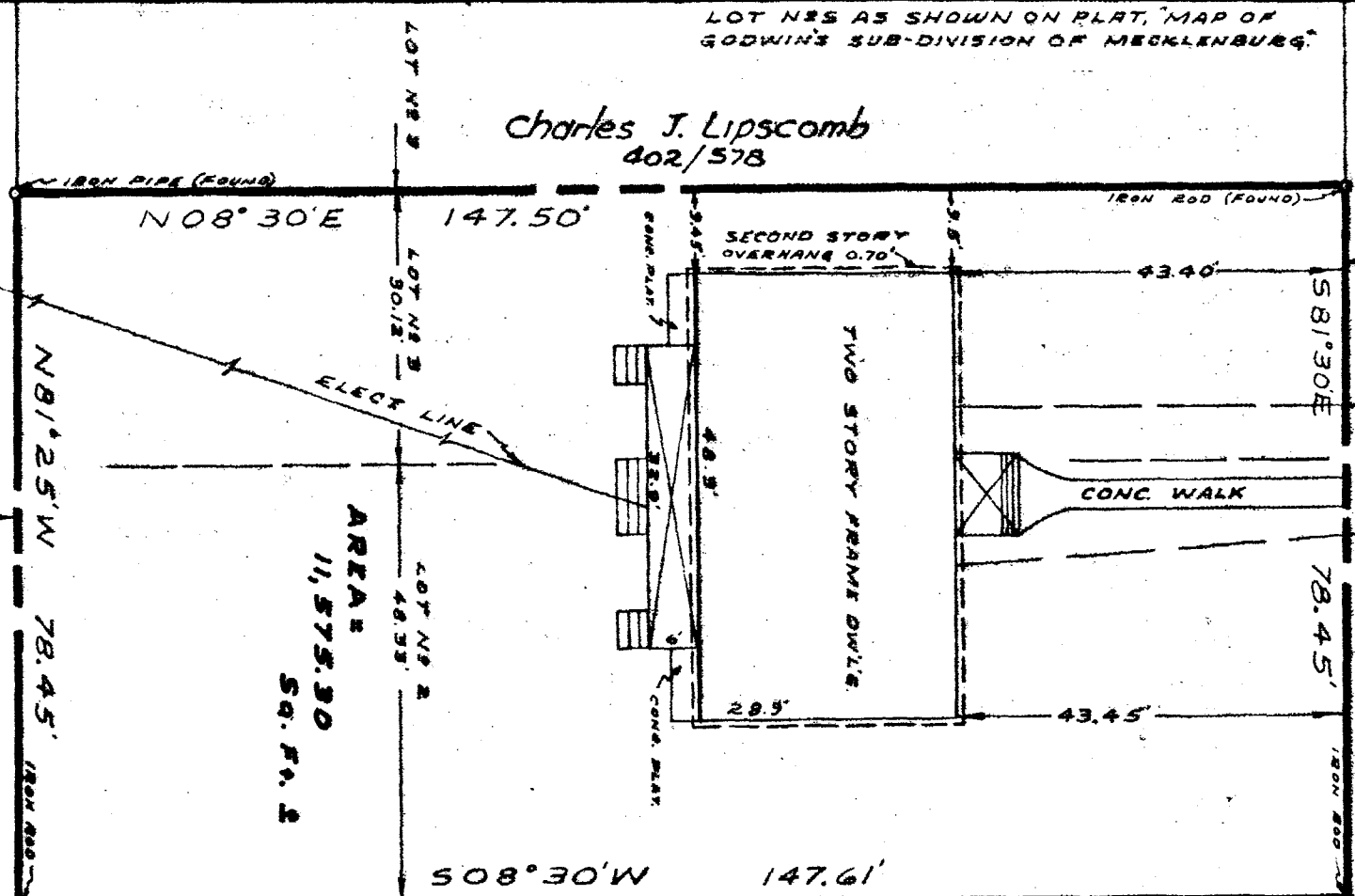
WATER
SANITARY SEWER
CONC. CURB

WATER
CONC. CURB
COMB. SERVICE LINES

78.45' TO CONC. MON. at South
West Cor Dutchman's Lane
and Walnut Lane

LOT NOS AS SHOWN ON PLAT, MAP OF
GODWIN'S SUB-DIVISION OF MECKLENBURG

Charles J. Lipscomb
402/578



AREA
11,575.30
SQ. FT.

HICKORY LANE

2/12

APPROVED
Town of Easton, Maryland

PLANNING & ZONING COMMISSION
THIS IS TO CERTIFY THAT THE IMPROVEMENTS
INDICATED HEREON ARE LOCATED AS SHOWN.

By *Walter H. Hain*
Chairman
Date *July 11, 1967*

NORTH

PART OF LOTS NO 2 & 3
OF GODWIN'S SUB-DIVISION OF
MECKLENBURG
IN THE TOWN OF EASTON TALBOT CO., MD.

J. R. McCrone, Jr., Inc.
REGISTERED PROFESSIONAL ENGINEERS
AND SURVEYORS
ANNAPOLIS, MARYLAND
PUNCE FREDRICK UPPER MARLBORO
TRAPE LEBNARDTOWN CHESTERTOWN

DRAWN BY
SCALE 1"=20'
DATE MAY, 1967
JOB NO. K2412
FOLDER

SUBDIVISION PLAT RECORDED IN PLAT BOOK PAGE



94 0 47 94 Feet

June 13, 2022

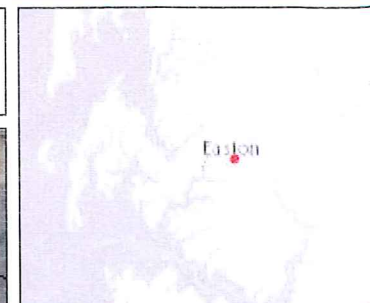
This map is for reference only. Land use layers that appear on this map may or may not be accurate.

Legend

- Parcels
- Municipalities
 - Address_point
- Roads
 - Other Roads
 - County Roads
 - State Roads
 - US Highway
- Streams
- lakes
- Water
- Driveways
- Docks
- Airport
- Chesapeake Bay Critical Area
- MD_SixInchImagery

Notes

Enter note.



Certification is made that all taxes due on the property indicated in this deed have been paid.
Finance Office of Talbot County
Clay B. Stamp Fin. Officer
CL 07/08/2022

Talbot County Cir Crt	
IMP FD SURE	\$40.00
RECORDING FEE	\$20.00
TR TAX STATE	\$1,687.50
TR TAX CTY	\$6,250.00
TOTAL	\$7,997.50
KMD CV	
Jul 08, 2022	02:40 pm

AFTER RECORDING, PLEASE RETURN TO:
Brennan Title Company
4910 Massachusetts Avenue, NW
Suite 206
Washington, DC 20016

File No. **56222004**
Tax ID # **01-001116**

Talbot County Finance Office
Recordation Tax \$8,100.00
PK 07/08/2022
Prop ID: 01-001116

This Deed, made this 13th day of June, 2022, by and between **Rock Hall Builders, LLC**, GRANTOR, and **Courtney Philbin**, GRANTEE.

Witnesseth –

That in consideration of the sum of Six Hundred Seventy-Five Thousand and 00/100 Dollars (\$675,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, as sole owner, in fee simple, all that lot of ground situate in the County of Talbot, State of Maryland and described as follows, that is to say:

ALL those lots or parts of lots of ground situate, lying and being on Dutchman’s Lane in the Town of Easton, Maryyland, and being Lots No. 1 and 2 and a portion of Lot No. 3 as are more particularly shown on a Plat entitled: “MAP SHOWING LOTS NOS 1,2 AND A PORTION OF 3 IN GODWIN’S SUBDIVISION OF ‘MECKLENBURG’ SURVEYED FOR SEYMOUR BUILDING SUPPLY INC. IN THE TOWN OF EASTON TALBOT COUNTY, MARYLAND”, dated January 1965, prepared by James R. Kinnamon, Surveyor, and recorded among the Plat Records of Talbot County, Maryland in Liber No.18 folio 91, and being more particularly described as follows:

BEGINNING at a concrete monument or market set in the top of the concrete curb return at the Southwestern corner of the intersection of Dutchman’s Lane and Walnut Lane and running thence the following four courses and distances: (1) with the sourtherly sideline of Dutchman’s Lane North 81 degrees 30’ West 156.9 feet to an iron bar driven at the Northeasterly corner of a portion of Lot No. 3 now or formerly owned by Sarah M. King; (2) with the Easterline line of said King land South 8 degrees 30’ West 147.5 feet to an iron pipe driven on the Northerly sideline of Hickory Lane; (3) with the Northerly line of Hickory Lane South 91 degrees 25’ East 165.5 feet to a marble monument or marker set in the roadway pavement on the Westerly sideline of Walnut Lane; (4) with the Westerly sideline of Walnut Lane North 5 degrees 11’ East 147.95 feet to the place of beginning; containing 23,791.9 square feet of land, more or less.

SAVING AND EXCEPTING THEREFROM all the portion of Lots No. 2 and 3 conveyed to Seymour Building Supply, Inc., to John J. Brady et ux., by a Deed dated July 10, 1967 and recorded among the Land Records of Talbot County, Maryland in Liber No. 421, Folio 303, and more particularly shown on a Plat made by J.R. McCrone Jr., Inc., dated May 1967 and recorded amount the Plat Record Bookds of Talbot County, Maryland in Liber No. 21, Folio 21.

BEING the same parcel of land conveyed to Ernest E. Fisher Jr. and Anita L. Fisher, his wife, by deed dated June 2, 2006, and recorded among the Land Records of Talbot County, Maryland in Liber 1450, Folio 406.

TOGETHER with the buildings and improvements theron erected, made or being, and all and every the rights of roads, ways,waters, easements, alleys, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

Tax Account #01-001116

BEING the fee simple property which, by Trustees Deed dated April 29, 2022, and recorded in the Land Records of the County of Talbot, Maryland, in Liber 2976, Folio 480, was granted and conveyed by Christine M. Drexel, Substitute Trustee unto Rock Hall Builders LLC

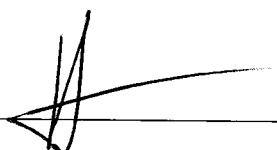
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

Subject to covenants, restrictions, rights of way, easements and other conditions contained in Deeds and instruments forming the chain of title to the subject property.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Courtney Philbin, as sole owner, in fee simple.

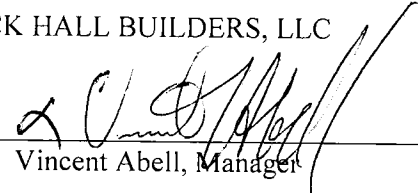
And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

Witness 

[Corporate Seal]

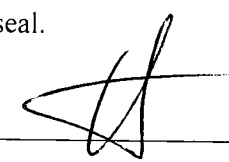
ROCK HALL BUILDERS, LLC

By:  (SEAL)
Vincent Abell, Manager

DISTRICT OF COLUMBIA } ss

I hereby certify that on this 13th day of June, 2022 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Vincent Abell, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the limited liability company, by himself/herself as such officer, giving oath under penalties of perjury that the consideration recited herein is correct.

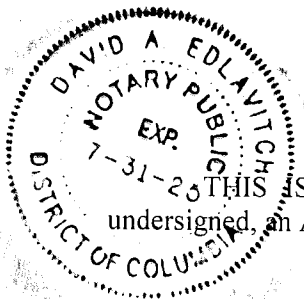
IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission Expires: 7-31-25

THIS IS TO CERTIFY that the within Deed was prepared under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


John M. Brennan, Attorney



This is to certify that this Deed was prepared under the supervision of an attorney duly admitted to practice before the Court of Appeals for Maryland.



John M. Brennan, Attorney

Exhibit 'B'

Town of Easton
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: SMILES Type: OC Drawer: 1
Date: 2/20/23 01 Receipt no: 7423

Year	Number	Amount
2023	872	
PZ	PZ - PAYMENTS	\$650.00
SVFEE	CSTP - SERVICE FEE	\$16.25

Tender detail
58 OTC PZ PAYME \$650.00
58 OTC PZ PAYME \$16.25
Total tendered \$666.25
Total payment \$666.25

Trans date: 2/20/23 Time: 15:26:34

THANK YOU FOR YOUR PAYMENT.

* \$400 PAID on 02/17/2023
for (2) Record Plat Reviews

Exhibit 'C'



Sign posted on March 3, 2023

Exhibit 'D'

Date of Hearing: March 21, 2023

#3A

Board of Zoning Appeals STAFF REPORT

SUBJECT: Variance-872

ELECTION WARD: Ward 2

CRITICAL ACTION DATE: At the pleasure of the board

STAFF CONTACT(S): Nicholas H Johnson, Planner
Miguel Salinas, Director

APPLICANT: Courtney Philbin

PURPOSE: To obtain variances from the minimum lot size (28-303.2.A) and the minimum side setback requirement (28-303.2.C). This would allow the applicant to subdivide the existing duplex into two separate lots.

RECOMMENDATION(S):

Staff supports a Board of Zoning Appeals **continuation** since the subdivision of this lot would create one non-conforming lot without first obtaining an additional variance from the rear setback requirement.

APPLICATION INFORMATION:	
APPLICANT: Courtney Philbin 602-295-6047 azphilbin@gmail.com	REPRESENTATIVE: Same
PARCELS/ACREAGE:	
Parcel Information	Square Feet
Tax Map 106, Parcel 2576	12,161
ACCEPTANCE DATE: February 17, 2023	LOCATION: 601 & 603 Walnut Lane
EXISTING ZONING R-10A	EXISTING LAND USE: Residential
HISTORIC DISTRICT: No	FUTURE LAND USE: Residential

CONTEXT:

Location/Site Access – The subject property is currently a duplex located on one lot with frontages on Dutchmans Lane, Walnut Lane, and Hickory Lane. Off street parking is currently provided from Hickory Lane and Walnut Lane.

Existing Conditions – There is currently a duplex on this lot with a special exception for one unit to operate as a short-term rental unit.

Surrounding Properties

318 Dutchmans Lane – R-10A

Figure 1: Vicinity Map



PROPOSAL: The applicant is seeking a setback variance from §28-303.2.C which requires a minimum side setback of 8-feet. They are also seeking a from §28-303.2.A to allow a lot size bellow the minimum lot size.

BACKGROUND:

This property recently appeared before the Board of Zoning Appeals on July 19, 2022 and obtained a special exception to operate a short-term rental unit in one of the units of the existing duplex. The applicant would now like to separate the two existing units into separate lots.

ZONING ANALYSIS:

28-303.2.A

A. The minimum lot size for all uses shall be 10,000 square feet except as modified below.

1. Minimum lot sizes – Up to 50% of the lots within an R-10A subdivision may be less than the required minimum lot size. Of these smaller lots, 75% must have a minimum lot size of at least 7,000 square feet.

Analysis: Both lots formed during the subdivision process would have a lot size under the minimum lot size of 10,000 square feet for the R-10A Zoning District.

28-303.2.C

C. Minimum setbacks for all uses and structures:

2. Rear setback – thirty (30) feet)
3. Side setback – two side setbacks are required of eight (8) feet each.

Analysis: Both lots would need to have a variance to allow one side setback of zero (0) feet since the new property line would split the existing duplex in two. **A variance from the rear setback requirements on the southern lot would also be required since this lot would cease to be considered a corner lot and would thus be subject to a rear setback of 30 feet. Without this variance from the rear setback requirements, a minor subdivision could not be obtained since it would create a non-conforming lot.**

POLICY ANALYSIS (VARIANCE):

- a. Granting the application: (i) will not be contrary to the public interest, (ii) will be in harmony with the purpose and intent of the Ordinance and (iii) will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

If this existing lot was subdivided as shown in the exhibit provided, the southern lot would cease to be a corner lot and would be subject to a thirty (30) foot rear setback. Without a variance from this setback, the existing structure would

violate the rear setback. These lots if created, would continue to function the same way they currently are as two units separated by one wall. Given that a duplex already exists on this property, there should be no new negative effects on the surrounding neighborhood with the exception of possibly increased demand for parking spaces. The northern lot appears to meet the minimum parking requirement via an existing driveway while the southern lot appears to meet the parking requirement via off street parallel parking spaces.

- b. Owing to conditions peculiar to the property, which conditions are not the result of any action taken by the applicant, a literal enforcement of the Ordinance will result in practical difficulty to the applicant.

A literal interpretation of the Zoning requirements for would not allow this existing duplex to be subdivided into two units with separate owners. The Town does not have any record of when this structure was originally converted into a duplex but the current owner purchased the property in July of 2022.

RECCOMENDED CONDITION(S)

1. Two off street parking spaces shall be provided on each lot that meet the Zoning Ordinance's dimensional requirements.
2. A minor subdivision shall be obtained.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals continue V-872.

OR

2. I move that the Board of Zoning Appeals deny V-872.

OR

3. I move an alternate motion.

Exhibit 'E'

APG Media of Chesapeake, LLC

**29088 Airpark Drive
Easton, MD 21601**

Phone: Fax:

**INVOICE
02/28/23**

Cust. AcctID:	Creation Date: 02/28/23
	Ad Date: 03/05/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3015115
Company: TOWN OF EASTON (L)	Words: 198
Address: PO Box 520	Lines: 22
EASTON, MD 21601	Agate Lines: 66
	Depth: 2.75
	Inserts: 2
	Blind Box:
Telephone: (410) 822-2525	
Description: Application V-872 / V 23-02	

Other Charges:	\$0.00	Total:	\$96.25
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	2.75	Amount Due:	\$96.25

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	
The Star Democrat	03/05/23	03/05/23	1	\$96.25

Ad Note:

Customer Note:

*We Appreciate Your Business!
Thank You Joanne Drummer!*

NOTICE

Notice is hereby given that Ms. Courtney Philbin has filed Application V-872 / V 23-02, pursuant to Section 28-302.2 (A) of the Zoning Ordinance of the Town of Easton to request a variance from the minimum 10,000 square foot lot size in the R-10A Zoning District. In addition, the applicant seeks a variance from Section 28-303.2 (C) for relief from the minimum setback requirements. Applicant seeks to create a new property line and the proposed new line of division between the interior walls of the two existing units would be 0', as they share a common wall, rather than the required 8' in the R-10A zoning district.

The property is located at 601 & 603 Walnut Lane, Easton, Maryland and is situated in the R-10A - Residential District. The property is owned by Ms. Courtney Philbin. A copy of the application may be inspected during normal business hours in the office of the Mayor and Council of Easton. The undersigned Board will hold a public hearing with respect to said application on March 21, 2023 at 9:00 A.M. in the above-mentioned office. All interested parties are invited to attend.

EASTON BOARD OF ZONING APPEALS

3015115 SD

3/5/2023

Exhibit 'F'



TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520
Easton, Maryland 21601

NOTICE OF APPLICATION SUMMARY
2023-03-21
V-872 / V 23-02

Applicant notified of hearing date: Email: 2023-02-28 – 22 days

Exhibit A: Application – 2023-02-17 – 32 days

Exhibit B: Paid Receipt – 2023-02-17 – 32 days

Exhibit C: Picture of Sign Posting – 2023-03-03 – 18 days

Exhibit D: Staff Report – 2023-03-14 – 7 days

Exhibit E: Confirmation from Star Democrat – 2023-02-28 – 22 days

Exhibit F: Notices

400' Notices Distributed: 2023-03-06 – 15 days

Advertisement sent to the Star Democrat: 2023-02-28– 22 days

Advertisement run in Star Democrat: 2023-03-05 – 16 days

Property posted with sign: 2023-03-03 – 18 days

NOTICE

Notice is hereby given that Ms. Courtney Philbin has filed Application V-872 / V 23-02, pursuant to Section 28-303.2 (A) of the Zoning Ordinance of the Town of Easton to request a variance from the minimum 10,000 square foot lot size in the R-10A Zoning District. In addition, the applicant seeks a variance from Section 28-303.2 (C) for relief from the minimum setback requirements. Applicant seeks to create a new property line and the proposed new line of division between the interior walls of the two existing units would be 0', as they share a common wall, rather than the required 8' in the R-10A zoning district.

The property is located at 601 & 603 Walnut Lane, Easton, Maryland and is situated in the R-10A – Residential District. The property is owned by Ms. Courtney Philbin. A copy of the application may be inspected during normal business hours in the Department of Planning and Zoning. The undersigned Board will hold a public hearing with respect to said application on March 21, 2023 at 9:00 A.M. in the Town Council Chambers, second floor, located at 14 S. Harrison Street. All interested parties are invited to attend.

EASTON BOARD OF ZONING APPEALS

Notice to Star Democrat: Please publish as indicated above and send Certificate of Publication to Planning and Zoning, Town of Easton, P.O. Box 520, Easton, Maryland 21601, prior to date of hearing.



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

February 28, 2023

Ms. Courtney Philbin
601 & 603 Walnut Lane
Easton, MD 21601

Re: Application No. V-872 / V 23-02
Tax Map 106 Grid 000 Parcel 2576
601 & 603 Walnut Lane
Easton, MD 21601

Ms. Philbin,

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, March 21st at 9:00 A. M.*** in the Chambers of the Mayor and Council of Easton. You should appear at the above time and place, together with any witnesses you may care to present and be prepared to submit evidence, which will establish:

1. That granting the application will not be contrary to the public interest;
2. that granting the application will be in harmony with the purpose and intent of the Ordinance;
3. that granting the application will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
4. that owing to conditions peculiar to the property, which conditions are not the result of any action taken by the applicant, a literal enforcement of the Ordinance will result in practical difficulty to the applicant.

Please be prepared to answer the four listed items above at the time of the Hearing.

If there are any restrictions attached to the deed of the property subject to this application, please advise the Board thereof.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning & Zoning Department
Town of Easton, MD
410-822-1943 ssmith@eastonMD.gov



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

March 6, 2023

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, March 21, 2023 at 9:00 a.m.** in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that an application for 601 & 603 Walnut Lane has been filed pursuant to Section 28-303.2 (A) of the Zoning Ordinance of the Town of Easton to request a variance from the minimum 10,000 square foot lot size in the R-10A Zoning District. In addition, the applicant seeks a variance from Section 28-303.2 (C) for relief from the minimum setback requirements. -Applicant seeks to create a new property line and the proposed new line of division between the interior walls of the two existing units would be 0', as they share a common wall, rather than the required 8' in the R-10A – Residential District.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies are also available for review via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via e-mail at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning & Zoning Department
Town of Easton
410-822-1943 ssmith@eastonMD.gov

Exhibit 'A'



Town of Easton

Engineering, Planning and Zoning

14 South Harrison Street, Easton, MD 21601

Board of Zoning Appeals Application

Application Type

☐ Variance ☐ Appeal ☒ Special Exception

Property Information

Address	9114 Chapel Rd Easton Md. 21601				
Tax Map	0025	Grid	0018	Parcel	0142 Lot 1
Deed Reference:	Liber	00602	Folio	00172	
Plat Reference:	Liber		Folio		
Existing Use	Church				
Zoning District					
Historic District	Y ☐	N ☒	PRD	Y ☐	N ☒

Owner

Name	Talbot Bible Church	
Mailing Address	9114 Chapel Rd Easton Md 21601	
Telephone No.		Email dan.zollinhofer@gmail.com

Applicant or Agent

Name	Talbot Bible Church	
Mailing Address	9114 Chapel Rd Easton Md 21601	
Telephone No.		Email dan.zollinhofer@gmail.com

Surveyor / Engineer

Name		License No.		Expiration Date	
Mailing Address					
Telephone No.		Email			

Request Details

Subject to Previous BOZA Application Y ☒ N ☐

Zoning Ordinance Section 28-1303.5 (B), use (2) 211 Table 2.1 of Sect. 28-201

Change From to

Please describe the purpose of the request being made to the Board of Appeals including all information pertinent to said request. Attach a formal letter detailing request.

Talbot Bible Church is proposing to establish a child care center in their existing structure.

- If the applicant is other than the owner, include a letter of certification from the owner.
- Attach five (5) copies of the recorded Deed conveying present ownership of the property.
- Attach five (5) copies of scaled plat sketch or site plan with all dimensions of lot, setbacks, improvements and the distances between any improvements.

- Provide all information related to any restrictions to the property recorded among the Land Records of Talbot County.
- Provide all information related to any restrictions imposed by Homeowner Associations, etc.
- Include any additional information, related to the request being made of the Board of Appeals.
- Fee Payment

Any modifications during review shall warrant an updated application.

I do hereby solemnly declare and affirm that the information provided by this application and the documents attached hereto accurately represent the conditions of the request and that submission of an incomplete application will be returned for correction prior to processing.

Signature of Applicant or Agent

Date

Printed Name of Applicant or Agent

Dan Zöllinhofer
2/21/2023
Dan Zöllinhofer

For Office Use Only

Project Number	SE-875	Fee Received	\$700.00
Application Number	2023-03	Application Notification	02/28/2023
Filing Date	02/21/2023	Property Posting Date	03/03/2023
BOZA Hearing Date	03/21/2023	Notice(s) Published	03/06/2023
If ESDR, Date		See Exhibit 'F'	
Revised 2-2019			

**RECEIVED
FEB 21 2023
TOWN OF EASTON**

Exhibit 'A'

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

LIBER 602 PAGE 172

REC FEE 15.00
REC TAX 135.30
TRF TAX 205.00
TOTL 355.30
0677CHEK 355.30
02 01985 7-03 P2:22

This Deed, MADE THIS 3rd day of July

in the year one thousand nine hundred and eighty five
Cecil H. Gannon and Sylvia J. Gannon, his wife

by and between

of Talbot County, Maryland

of the first part, and

Talbot Bible Church, a religious corporation organized under the laws of the
State of Maryland
of the second part.

WITNESSETH, That in consideration of the sum of forty-one thousand dollars (\$41,000)

the said Cecil H. Gannon and Sylvia J. Gannon, his wife

do grant and convey to the said Talbot Bible Church, its

personal representatives/successors and assigns, in fee simple, all

That lot of ground situate in Talbot County, Maryland

and described as follows, that is to say:

Beginning for the same at a Steel Fence Post found on the northwesterly side of the Public Road which leads from Maryland Highway No. U. S. 50 to Black Dog Alley, known as Old Chapel Road, said Post being at the most easterly corner of the herein described land and being at the southeasterly corner of the land of Talbot Warehousing, Inc. (Liber 452, Folio 518), and from said Place of Beginning running by and with the northwesterly side of said Old Chapel Road, the following two courses and distances: (1) South 34 degrees 50 minutes 50 seconds West 593.15 feet; thence

(continued)

(2) by and with the arc of a curve deflecting to the right, the chord of which bears South 35 degrees 44 minutes 06 seconds West 63.58 feet to a Concrete Monument set; thence by and with a new division line between the herein described land and the reserved land of Cecil H. Gannon and Sylvia J. Gannon the following three courses and distances: (3) North 28 degrees 37 minutes 37 seconds West 642.57 feet to a Tree with a Deer Stand; thence (4) North 40 degrees 23 minutes 07 seconds West 548.55 feet to an Oak Tree; thence (5) continuing North 40 degrees 23 minutes 07 seconds West 3.27 feet to a Point and the aforementioned land of Talbot Warehousing, Inc.; thence by and with the said Talbot Warehousing, Inc. land the following two courses and distances: (6) North 23 degrees 44 minutes 28 seconds East 217.98 feet to a Concrete Block found; thence (7) South 55 degrees 54 minutes 32 seconds East 1151.59 feet to the Place of Beginning, containing 10.37 Acres of Land, more or less.

Said parcel is also described on a plat showing "Part of the Land of Cecil H. Gannon and Sylvia J. Gannon in the first election district, Talbot County, Maryland," dated March 1985 and prepared by J. R. McCrone, Jr., Inc. and designated thereon as Lot #1 with an area of 10.37 acres, more or less, which plat is recorded or intended to be recorded among the Plat Records of Talbot County prior hereto.

Being a portion of the lands conveyed by deed dated 31 December 1984, by and between First Fidelity Bank, N.A., New Jersey, Johanna E. Just and John L. Plansoen, co-executors of the Estate of Louis M. Plansoen, deceased, and Cecil H. Gannon and Sylvia J. Gannon, his wife, which deed is recorded among the Land Records of Talbot County in Liber 595 Folio 14.

LIBER 602 PAGE 173

PROPERTY DEED
ON THE ASSES
PE, JR.
ESSEMENTS



ed
to
16
(L)
(L)
the
ed
or
ors
bid
'es

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Talbot Bible Church, its

~~and assigns~~ ~~in fee simple~~ successors

And the said parties of the first part hereby covenant that They not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that They will warrant specially the property hereby granted; and that They will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

Test:

Kerry McQuinn

Cecil H. Cannon (SEAL)
Cecil H. Cannon

Sylvia J. Cannon (SEAL)
Sylvia J. Cannon

STATE OF MARYLAND, County of Talbot, to wit:

I HEREBY CERTIFY, That on this 31 day of July in the year one thousand nine hundred and eighty-five, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Cecil H. Cannon and Sylvia J. Cannon

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be Their act, and in my presence signed and sealed the same. They further made oath that the true consideration is \$41,000.

In WITNESS WHEREOF, I hereunto set my hand and official seal.

Bruce C. Armistead
Notary Public
NOTARY PUBLIC
TALBOT CO., MD.

My Commission expires:

July 1, 1986

Agricultural Transfer Tax
in the Amount of \$1,640.00

Signature CLT

CERTIFICATION IS MADE THAT ALL TAXES DUE ON THE PROPERTY INDICATED IN THIS DEED HAVE BEEN PAID.
FINANCE OFFICER OF TALBOT COUNTY
BLANDA W. ARMISTEAD; FIN. OFFICER
DATE 7/3/85

THIS IS TO CERTIFY THAT THE PROPERTY DESCRIBED HEREIN HAS BEEN TRANSFERRED ON THE ASSESSED RECORDS OF TALBOT COUNTY
HENRY V. TRIPPE, JR.
SUPERVISOR OF ASSESSMENTS
PER CLT

Exhibit 'A'

2/17/23, 1:16 PM

Image.jpeg



Exhibit 'B'

Town of Easton
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: SMILES Type: OC Drawer: 1
Date: 2/21/23 01 Receipt no: 7426

Year	Number	Amount
2023	873	
PZ	PZ - PAYMENTS	\$700.00

DANIEL ZOLLINHOFFER
9024 TREESDALE DR
EASTON MD 21601

Tender detail		
CK CHECK	3447	\$700.00
Total tendered		\$700.00
Total payment		\$700.00

Trans date: 2/21/23 Time: 10:16:28

THANK YOU FOR YOUR PAYMENT.

Exhibit 'C'



Sign posted on March 3, 2023

Exhibit 'D'

Date of Hearing: March 21, 2023

#3B

Board of Zoning Appeals STAFF REPORT

SUBJECT: Special Exception - 875

ELECTION WARD(S): Ward 1

CRITICAL ACTION DATE: At the pleasure of the board

STAFF CONTACT(S): Nicholas H Johnson, Planner
Miguel Salinas, Director

APPLICANT: Talbot Bible Church

PURPOSE: To obtain a special exception allowing the applicant to operate a group day care center within the R-10A zoning district.

RECOMMENDATION(S):

Staff supports a Board of Zoning Appeals **approval**.

APPLICATION INFORMATION:	
APPLICANT: Talbot Bible Church Dan Zollinhofer danzollinhofer@gmail.com	REPRESENTATIVE: Self
PARCELS/ACREAGE:	
Parcel Information	Acres
Tax Map 25, Grid 18, Parcel 142, Lot 1	10.37
ACCEPTANCE DATE: February 21, 2023	LOCATION: 9114 Chapel Road
EXISTING ZONING R-10A	EXISTING LAND USE: Institutional
HISTORIC DISTRICT: No	FUTURE LAND USE: Residential

CONTEXT:

Location/Site Access – The subject property is a singular 10.37-acre lot located on Chapel Road.

Existing Conditions – Talbot Bible Church is currently using the main structure on the property as a house of worship. There is also an existing playground, a large parking lot, and a small office building located on the property.

Surrounding Properties

Parcel 140 64/24 – R-10A
9079 Honeysuckle Drive – R-10A

Figure 1: Vicinity Map



PROPOSAL: The applicant is seeking to obtain a Special Exception from the following sections of the Zoning Ordinance: Section 28-201 Permitted Uses (Table 2.1 (2) (211)) to allow a group day care group in the R-10A zone.

BACKGROUND:

The Talbot Bible Church is currently operating as a house of worship within the R-10A zoning district. The Town does not have record of when or if a special exception was approved to operate a house of worship in this district. In 2022 a variance to the sign height requirements was granted by the Board of Zoning Appeals for a new freestanding sign.

ZONING ANALYSIS:

28-201 Table 2.1 (2) 211 Day Care, Group (R-10A)

USE	A-1	R-7A	R-10A	R-10M	CB	CG	CL	BC	I	G/I
211 Day Care, Group *	SE	SE	SE	SE	SE	P	--	SE	--	SE

Analysis: The proposed use is characterized as a group day care because it would allow for the day care to provide for 13 or more clients on a regular basis. This use is subject to supplemental standards.

28-1007.2.A.12a, b

- Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Group Day Care.
- A Group Day Care Center or Large Group Day Care Center shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Center and Provider.

Analysis: These two standards directly relate to the applicant obtaining approval and meeting the requirements of the State and County boards. The Board may wish to condition its approval upon the applicant obtaining the relevant licenses and limiting capacity to the number shown on the certificate of registration.

28-1007.2.A.12d

“The applicant shall have one hundred (100) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.”

Analysis: The property currently has a roughly 8000 square foot recreation area consisting of a playground and concrete sports court. This would limit the maximum capacity of the daycare to roughly 80 students. There is also an existing chain link fence surrounding the recreation area.

28-1007.2.A.12f

“All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.”

Analysis: There is currently no area specifically designated as a delivery/pick-up zone. The Board may condition its approval upon the applicant designating an area of their parking lot for pick-up and delivery.

POLICY ANALYSIS:

- a. The proposed use conforms in all aspects to minimum requirements of the district in which it is located;

This proposed use comes with a list of supplemental standards regarding obtaining relevant licensing from the state of Maryland, providing outdoor recreation space, and allowing for safe pick-up/ delivery. The staff’s recommended conditions address these three main aspects. There is also plenty of parking located on site to accommodate the proposed use.

- b. the proposed use is not adversely affecting the health, safety, and general welfare of residents of the area;

The proposed use should not have any adverse effects on health, safety, and general welfare since the property is already being used as a house of worship that cares for children. The property is large and screened by forest from the three abutting properties.

- c. the proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exceptions;

There is no proposed increase in footprint to the existing building or parking area at this time that would interfere with public facilities. The property is currently served by Town water and sewer

- d. the proposed use will not create congestion in the streets or undue traffic hazards, and adequate egress and ingress are provided;

Adequate parking has been provided on site. Ingress and egress are provided via an existing entrance on Chapel Road. This use should not generate an unreasonable amount of traffic.

- e. the proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access;

There are no proposed changes to the property that would cause any adverse environmental conditions.

- f. the proposed use will not adversely affect the established character of the area.

This use should not affect the established character of the area since the building is already used as a house of worship and already contains a recreation area used by children.

g. the proposed use shall be in conformity with the provisions of the Easton Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary and uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance

The comprehensive plan's land use chapter states that future neighborhoods should "contain an integrated mix of residential, neighborhood-scale commercial, civic, and open space." This proposed use would provide a neighborhood scale commercial to the surrounding residents.

STAFF RECOMMENDED CONDITONS

1. The applicant shall limit maximum student capacity to eighty (80) students.
2. The applicant shall designate an area of the existing paved parking lot for pick-up and delivery.
3. The applicant shall obtain all relevant State and Local approvals to operate a group day care.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals approve SE-875 with staff's recommended conditions.

OR

2. I move that the Board of Zoning Appeals deny SE-875.

OR

3. I move an alternate motion.

Exhibit 'E'

APG Media of Chesapeake, LLC

INVOICE
02/28/23

29088 Airpark Drive
Easton, MD 21601

Phone: Fax:

Cust. AcctID:	Creation Date: 02/28/23
	Ad Date: 03/05/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3015114
Company: TOWN OF EASTON (L)	Words: 153
Address: PO Box 520	Lines: 18
EASTON, MD 21601	Agate Lines: 54
	Depth: 2.25
	Inserts: 2
	Blind Box:
Telephone: (410) 822-2525	
Description: Application SE-875 / SE	

Other Charges:	\$0.00	Total:	\$78.75
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	2.25	Amount Due:	\$78.75

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	
The Star Democrat	03/05/23	03/05/23	1	\$78.75

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

NOTICE

Notice is hereby given that Mr. Dan Zollinhofer on behalf of Talbot Bible Church has filed Application SE-875 / SE 23-03, pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, to obtain a special exception for Day Care, Group use (2) 211 in Table 2.1 of Section 28-201, in the R-10A zoning district. The property is located at 9114 Chapel Road, Easton, Maryland and is situated in the R-10A - Residential District. The property is owned by Talbot Bible Church. A copy of the application may be inspected during normal business hours in the Department of Planning and Zoning. The undersigned Board will hold a public hearing with respect to said application on March 21, 2023 at 9:00 A.M. in the Town Council Chambers, second floor, located at 14 S. Harrison Street. All interested parties are invited to attend.

EASTON BOARD OF ZONING APPEALS

3015114 SD

3/5/2023

Exhibit 'F'



TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

NOTICE OF APPLICATION SUMMARY

2023-03-21

SE-875 / SE 23-03

Applicant notified of hearing date: Email: 2023-02-28 – 22 days

Exhibit A: Application – 2023-02-21 – 28 days

Exhibit B: Paid Receipt – 2023-02-21 – 28 days

Exhibit C: Picture of Sign Posting – 2023-03-03 – 18 days

Exhibit D: Staff Report – 2023-03-14 – 7 days

Exhibit E: Confirmation from Star Democrat – 2023-02-28 – 22 days

Exhibit F: Notices

400' Notices Distributed: 2023-03-06 – 15 days

Advertisement sent to the Star Democrat: 2023-02-28 – 22 days

Advertisement run in Star Democrat: 2023-03-05 – 16 days

Property posted with sign: 2023-03-03 – 18 days

NOTICE

Notice is hereby given that Mr. Dan Zollinhofer on behalf of Talbot Bible Church has filed Application SE-875 / SE 23-03 , pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, to obtain a special exception for Day Care, Group use (2) 211 in Table 2.1 of Section 28-201, in the R-10A zoning district.

The property is located at 9114 Chapel Road, Easton, Maryland and is situated in the R-10A – Residential District. The property is owned by Talbot Bible Church. A copy of the application may be inspected during normal business hours in the Department of Planning and Zoning. The undersigned Board will hold a public hearing with respect to said application on March 21, 2023 at 9:00 A.M. in the Town Council Chambers, second floor, located at 14 S. Harrison Street. All interested parties are invited to attend.

EASTON BOARD OF ZONING APPEALS

Notice to Star Democrat: Please publish as indicated above and send Certificate of Publication to Planning and Zoning, Town of Easton, P.O. Box 520, Easton, Maryland 21601, prior to date of hearing.



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

February 28, 2023

Mr. Dan Zollinhofer
Talbot Bible Church
9114 Chapel Road
Easton, MD 21601

Re: Application No. SE-875 / SE 23-03
Tax Map 025 Grid 018 Parcel 0142 Lot 1
9114 Chapel Road
Easton, MD 21601

Mr. Zollinhofer,

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, March 21st at 9:00 A. M.*** in the Chambers of the Mayor and Council of Easton. You should appear at the above time and place, together with any witnesses you may care to present and be prepared to submit evidence, which will establish:

1. the proposed use conforms in all aspects to minimum requirements of the district in which it is located;
2. the proposed use is not adversely affecting the health, safety, and general welfare of residents of the area;
3. the proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exception;
4. the proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided;
5. the proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access;
6. the proposed use will not adversely affect the established character of the area;
7. the proposed use shall be in conformity with the provisions of the Easton

Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complementary to uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance.

NOTE: In the event your application pending before the Easton Board of Zoning Appeals requires a recommendation to the Board from the Easton Planning and Zoning Commission, the Appeals Board will not hear your application until it is in receipt of the Planning and Zoning Commission's recommendation. It is your responsibility to see that the recommendation required is before the Board of Zoning Appeals before any evidence is heard.

If there are any restrictions attached to the deed of the property subject to this application, please advise the Board thereof.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning and Zoning Department
Town of Easton
410-822-1943
ssmith@eastonMD.gov



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

March 6, 2023

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, March 21, 2023 at 9:00 a.m.** in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that an application for 9114 Chapel Road has been filed pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, to obtain a special exception for Day Care, Group use (2) 211 in Table 2.1 of Section 28-201, in the R-10A – Residential District.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies are also available for review via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via e-mail at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning & Zoning Department
Town of Easton
410-822-1943 ssmith@eastonMD.gov