

Location:	Port Street Tax Map 34, Grid 015, Parcel 0077, Lot 1
Zoning District:	MXW
Request:	Variance request pursuant to Section 28-312 of the Town of Easton Zoning Ordinance, to obtain a variance from Section 28-312.1.1.A, the minimum floor-to-ceiling height of 14' at ground level and 10' for upper stories; and Section 28-312.4.4.B, to permit windows and doors to cover at least 41% of the length of the ground floor of the front elevation, and at least 23% of the surface area of the front elevation. This building, known as the Arc at Port Street will include a community hub, a behavioral health suite with office and training spaces, and will also provide affordable and workforce housing for low and moderate income households. This project has already received site plan approval by the Easton Planning Commission.

4. Adjournment



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

Tuesday, April 18, 2023 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](https://www.eastonmd.gov/Agendas/Agendas%20and%20Minutes)
[\(eastonmd.gov\)](https://www.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
Sharon Van Emburgh, Town Attorney
Samantha Smith, Administrative Specialist

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

2. Decision Summary Review—
March 21, 2023-

**Vice Chairman Molchan moved to approve the March 21, 2023 Decision Summary.
Board Member Krebeck seconded the motion.**

Vote	3-0
FOR:	3- Cotter, Molchan, Krebeck
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

3. Applications —

a. Applicant: Courtney Philbin
File No.: V-872
Location: 601 & 603 Walnut Lane, Easton, MD 21601
Tax Map 106, Grid 000, Parcel 2576
Zoning: R-10A

Request: The applicant is requesting a Variance from Section 28-303.2.A., the minimum 10,000 square foot lot size in the R-10A Zoning District. The applicant is also seeking a variance from Section 28-303.2.C.2. for relief from the minimum rear yard setback requirements; and Section 28-303.2.C.3. for relief from the minimum side yard setback requirements. This would allow the applicant to subdivide the existing duplex into two separate lots.

Staff recommend the following conditions:

- 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.

Staff Presentation:
Nicholas Johnson, Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:
Courtney Philbin
Elizabeth Fink

Public Comment— None

Board Member Krebeck moved to approve the Variance request as submitted by the applicant with conditions:

- 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;
- 3. The applicant shall verify the existence of a common firewall in the units; and shall comply with all firewall separation requirements as deemed necessary by the Building Inspection Division.

Chairman Cotter seconded the motion.

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

- b. Applicant:** Chris and Debra Soussanin
File No.: SE-889 and V-889
Agent: Zachary A. Smith
Location: 25 S. Aurora Street, Easton, MD 21601
Tax Map 104, Grid 000, Parcel 1560

Zoning: R-7A

Request: The applicant is requesting a Special Exception pursuant to Section 28-1303.5.B of the Zoning Ordinance of the Town of Easton, to permit an Accessory Dwelling Unit per 1.101 in Table 2.1, Section 28-202 of the Ordinance. The applicant is also seeking to obtain a Variance pursuant to Section 28-1303.5.C of the Zoning Ordinance of the Town of Easton, from Section 28-302.2.C.2 from the minimum 25' rear yard setback requirement; and Section 28-302.2.C.3 to request a variance from the minimum 8' side yard setback requirement.

Staff recommend the following conditions:

1. The applicant shall obtain a Historic District Commission Certificate of Appropriateness for the new construction.
2. The applicant shall obtain a Right-of-way permit to install the proposed off-street parking spaces, or shall obtain a parking waiver.
3. The applicant shall obtain a Town of Easton rental license for the Accessory Dwelling Unit.
4. The principal residence shall be occupied by the owner of the property.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Zachary A Smith

Chris Soussanin

Public Comment — None

Chairman Cotter moved to approve the Variance request and to adopt findings consistent with those submitted in writing by the Applicant ("Attachment A"). Vice Chairman Molchan seconded the motion.

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

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: 313 LLC
File No.: SE-909 and V-896
Agent: Stacy Luhrman
Location: 313 North Street, Easton, MD 21601
Tax Map 103, Grid 0EA, Parcel 0717

Zoning: R-7A

Request: The applicant is requesting a Special Exception pursuant to Section 28-1303.5 B of the Town of Easton Zoning Ordinance, use (1) 105 in Table 2.1 of Section 28.202 to be utilized as a Multifamily Apartment Complex in the R-7A zoning district. The applicant is also requesting a Variance pursuant to Section 28-1303.5 (C) of the Town of Easton Zoning Ordinance, to obtain a Variance from Section 28-302.2 G and 28-1007.1 (14) j (i) in the Zoning Ordinance. The Applicant seeks to create four (4) additional units to the existing eighteen (18) units onsite. The applicant is requesting a Variance of the permitted density of 8 units/acre to allow for a density of 21.78 units/acre. The Variance request is to permit a total of 22 units on the existing 43,995.6 sq. ft. lot.

Staff recommend a continuance of the Special Exception and Variance requests pending a revised site plan that includes parking, landscaping, and open space that is consistent with the Zoning Ordinance.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Stacy Luhrman

Public Comment: None

Chairman Cotter moved to continue the Special Exception and Variance applications to July 18, 2023 to allow the applicant to address all staff recommended conditions. Board Member Krebeck seconded the motion.

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

d. Applicant: Aspire Outdoors LLC
File No.: SE-911 and V-911
Agent: Robert Rauch

Location: Camac Street Street, Easton, MD 21601
Tax Map 026, Grid 020, Parcel 0186

Zoning: R-10A

Request: The applicant is requesting a Special Exception pursuant to Section 28-1303.5 B of the Town of Easton Zoning Ordinance, use (1) 105 in Table 2.1, Section 28.202 to be utilized as a Multifamily Apartment Complex in the R-10A zoning district. The applicant is also requesting a Variance pursuant to Section 28-1303.5 C of the Town of Easton Zoning Ordinance, to obtain a Variance from Section 28-303.2.C.3 from the minimum 8' side yard setback requirement. The applicant is proposing to develop the property at the south end of Camac Street into a six-building apartment complex with twenty-seven units each, totaling 162 units.

Staff recommend a continuance of the Special Exception and Variance applications. Outstanding issues regarding connectivity, the traffic study, and public facilities capacity should be addressed before action by the Board.

Staff Presentation:

Nicholas Johnson, Planner

Joseph Mayer, Plan Reviewer

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Derrick Daly, Aspire Outdoors LLC

Robert Rauch, Rauch Engineering

Public Cross-Examination: None

Chairman Cotter moved to continue the Special Exception and Variance applications to at least 180 days (October 17, 2023) to allow the applicant to address all staff recommended conditions; and with the condition that the applicant shall receive a Planning Commission recommendation prior to the next appearance before the Board of Zoning Appeals. Vice Chairman Molchan 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.

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 CENTREVILLE ROAD EASTON MD
Tax Map 100 Grid 5 Parcel 47 Lot 1-4
Deed Reference: Liber 1228 Folio 47
Plat Reference: Liber 1 Folio 115
Existing Use MINI WAREHOUSES
Zoning District I-1 - SELECT INDUSTRIAL
Historic District Y ☐ N ☒ PRD Y ☐ N ☒

Owner

Name PABICWAY STORAGE LLC c/o BENSON HARPER
Mailing Address 30236 Cods Point RD TRAPPE MD 21673
Telephone No. 410-310-9074 Email bharper@harperandson.com

Applicant or Agent

Name SAME AS OWNER
Mailing Address
Telephone No. Email

Surveyor / Engineer

Name TOM DAVIS License No. 17660 Expiration Date JAN 2024
Mailing Address DMS & ASSOCIATES PO Box 80 CENTREVILLE MD 21617
Telephone No. 410-490-6901 Email WTO@DMSANDASSOCIATES.COM

Request Details

Subject to Previous BOZA Application Y ☐ N ☒
Zoning Ordinance Section 28-1007.3 INDUSTRIAL USES 2.h. & 9.h.
Change From 100' & 300' to 40'

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.

APPLICANT REQUEST A VARIANCE TO PERMIT CONSTRUCTION OF A MIXED STYLE MINI WAREHOUSE BUILDING, PORTIONS OF CLIMATE CONTROLLED & CONVENTIONAL MINI WAREHOUSES, WITHIN THE 100' & 300' SETBACK FROM MD RT 322.

- 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

Wm. Thomas Davis Jr.

4-18-23

Printed Name of Applicant or Agent

Wm. Thomas Davis Jr. AGENT - DMS

For Office Use Only

Project Number	V 23-06	Fee Received	\$250.00
Application Number	V-926	Application Notification	05/01/2023
Filing Date	04/18/2023	Property Posting Date	05/01/2023
BOZA Hearing Date	05/16/2023	Notice(s) Published	05/01/2023
If ESDR, Date	-		

Revised 2-2019

**RECEIVED
APR 18 2023
TOWN OF EASTON**



Davis, Moore, Shearon & Associates, LLC

April 18, 2023

Mr. Nicholas Johnson, Planner
Town of Easton Department of Planning & Zoning
14 South Harrison Street
Easton, MD 21601

**RE: BOARD OF ZONING APPEALS APPLICATION FOR VARIANCE
REQUEST LANDS OF PARKWAY STORAGE, LLC,
LOCATED CENTREVILLE ROAD, TOWN OF EASTON, MARYLAND,
TAX MAP 100, PARCEL - 47, LOTS 1-4, AIRWAY BUSINESS CENTER,
DMS & ASSOCIATES JOB #2022210**

Dear Nicholas:

Attached please find the following information.

- 5 copies of the cover letter
- 1 application
- 5 plans
- 5 deeds
- 1 application fee

The purpose of this submittal is to request a variance from Sections 28-1007.3 (Industrial Uses) 2.h. & 9.h. of the Town zoning code to permit construction of a new mini warehouse and climate controlled self-storage building, at the existing Parkway Self Storage facility, to encroach into the 100' and 300' respective setbacks from MD RT 322. The new building will contain a mix of climate controlled and conventional mini warehouse units. Lot 1 will be merged with lots 2-4 where the existing buildings are situated, which has been similarly done through the various development stages of the site.

In support of this variance to address the requirements of Section 28-1303.5 (Powers & Duties) C.4.a. & b. of the Town zoning code we offer the following:

SECTION 28-1303.5 C.4.

- a) It is our opinion that the granting of the variance:
 - i. Will not be contrary to the public interest as the use, existing mini warehouse buildings, currently exists on the site with similar setback from MD RT 322 as proposed for the new building. Site plan approval will be required where stormwater management, landscaping and other zoning requirements will be

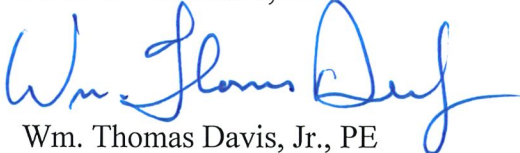
addressed, and the project will be reviewed by the Town Planning Commission should the Board of Zoning Appeals grant the variance.

- ii. We believe that the granting of the variance will be in harmony with the purpose and intent of the ordinance given the use and existing buildings on the site have similar setbacks from MD RT 322 as those requested for the new building as part of this variance application.
 - iii. Given that the use exists at the site already and is located between other commercial and industrial uses, it is our opinion that the granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.
- b) We feel that the conditions are peculiar to the subject site as the existing buildings were approved and constructed in accordance with the zoning setback requirement from MD RT 322 that was in effect at the time of the initial development of the site. The owners have developed the mini warehouse facility in phases over the years and now desire to complete the last component of the project with a setback consistent with the five existing buildings. The Town zoning code was changed in 2021 to place a more restrictive setback for mini warehouse uses and climate controlled self-storage from major roads. This site is the only mini warehouse facility in the neighborhood that fronts on MD RT 322. Since the new setback requirements were adopted by the Town, this request is not based on an action by our client. It is the practical request by the applicant to continue and mimic the existing development pattern on the property with a setback for the new building that aligns with the existing buildings from MD RT 322. We feel that the literal enforcement of the current ordinance will result in practical difficulty and unnecessary hardship to our client.

We ask that you please process this application as soon as possible. Should you have questions or need additional information please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



Wm. Thomas Davis, Jr., PE

/ljd

Enclosures

Pc: Benson Harper, Parkway Storage LLC.

BOARD OF APPEALS PLAN FOR THE DEVELOPMENT OF *MINI-WAREHOUSE* ON LOTS 1 thru 4 *AIRWAY BUSINESS CENTER* IN THE TOWN OF EASTON, MARYLAND

SITE STATISTICS

CURRENT USE – COMMERCIAL/MINI-WAREHOUSES
PROPOSED USE – COMMERCIAL/MINI-WAREHOUSES

AFTER LOT LINE ADJUSTMENT:

GROSS SITE AREA = 3.783 ac.± (164,791 sq. ft.±)
CRITICAL AREA = 0.000 ac.± (0,000 sq. ft.±)
BASE SITE AREA = 3.783 ac.± (164,791 sq. ft.±)
AREA IN BUFFERYARDS = 0.000 ac.± (0,000 sq. ft.±)
AREA WITHIN FLOODPLAIN = 0.000 ac.± (0,000 sq. ft.±)

LOT COVERAGE (PERMITTED) (50%) = 1.892 ac.± (82,395 sq. ft.±)
LOT COVERAGE (EXISTING) (25.8%) = 0.978 ac.± (42,596 sq. ft.±)
LOT COVERAGE (PROPOSED) (9.6%) = 0.364 ac.± (15,850 sq. ft.±)
LOT COVERAGE (RESULTING) (35.5%) = 1.342 ac.± (58,446 sq. ft.±)

IMPERVIOUS AREA (EXISTING) (56.1%) = 2.121 ac.±
IMPERVIOUS AREA (TO BE REMOVED) = 0.000 ac.±
IMPERVIOUS AREA (PROPOSED) (18.1%) = 0.683 ac.±
IMPERVIOUS AREA (TOTAL) (74.1%) = 2.804 ac.±

LANDSCAPE AREA (EXISTING) (43.9%) = 1.662 ac.±
LANDSCAPE AREA (PROVIDED) (25.9%) = 0.979 ac.±

PARKING REQUIREMENTS

PROPOSED: (SECTION 28-1001.1(46):

1 space/2,000 sq. ft. floor area X 31,700 sq. ft. FLOOR AREA = 16 SPACES
1 space/office area X 0,000 sq. ft. OFFICE AREA = 0 SPACES
1 space/business vehicle X 0 VEHICLES. = 0 SPACES

PARKING SPACES (REQUIRED) = 16 SPACES (1 HANDICAP)
PARKING SPACES (PROVIDED) = 4 SPACES (1 HANDICAP)

OFF-STREET LOADING REQUIREMENTS

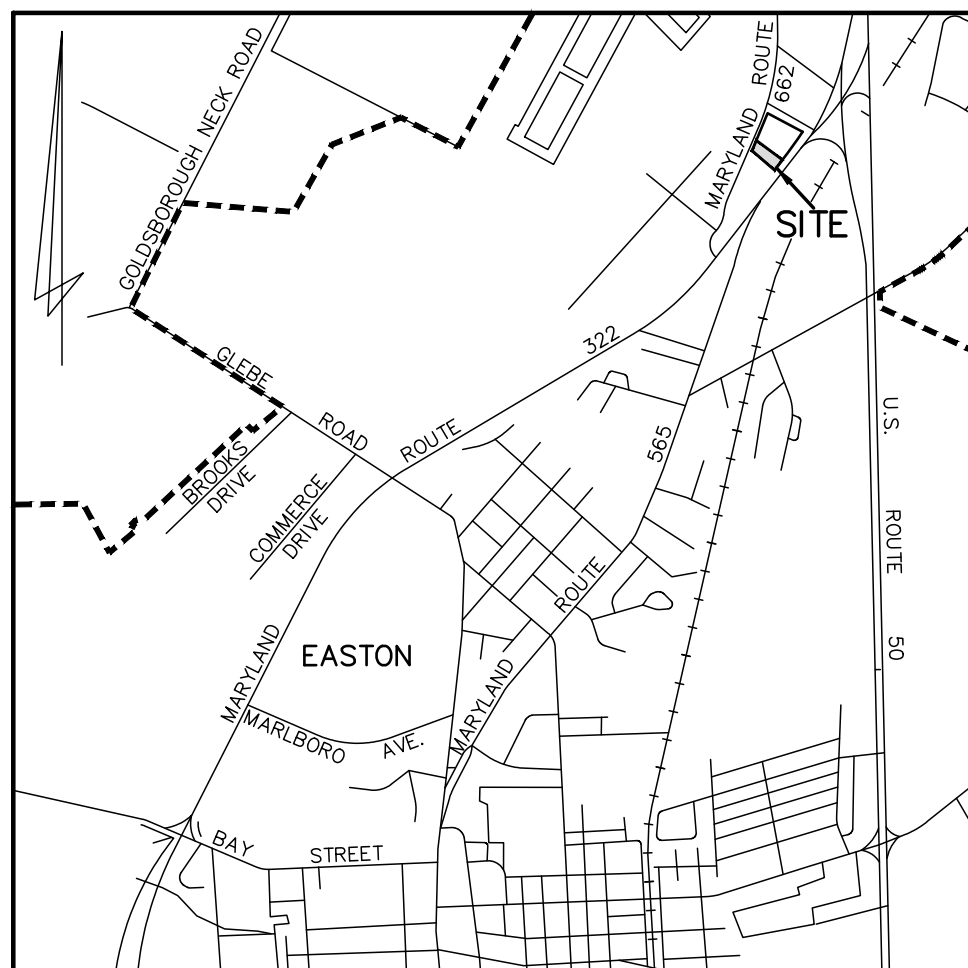
PROPOSED: (SECTION 28-1002.1(28)(A):

1 space/10,000 sq. ft. floor area X 31,700 sq. ft. FLOOR AREA = 3 SPACES

PARKING SPACES (REQUIRED) = 3 SPACES
PARKING SPACES (PROVIDED) = 3 SPACES

NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A PLAT ENTITLED "PLAT SHOWING, AIRWAY BUSINESS CENTER" PREPARED BY RAUCH, WALLS AND LANE, INC. IN JULY, 1989 AND RECORDED IN PLAT BOOK LIBER W.A.S. 1, FOLIO 115. BEARINGS HAVE BEEN ROTATED TO HORIZONTAL DATUM IS NAD 83/2011.
- FOR DEED REFERENCE, SEE LIBER 1228, FOLIO 47.
- CURRENT ZONING CLASSIFICATION IS "I-1" (SELECT INDUSTRIAL)
- THE PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24041C0193C. (ZONE "X") (UNSHADED) DATED AUGUST 5, 2013.
- SOILS ON SITE CONSIST OF "Up" (URBAN LAND) AS TAKEN FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov> FOR TALBOT COUNTY. NO HYDRIC SOILS EXIST ON THE SITE.
- NO NATURAL RESOURCES (ie... WOODLANDS, NONTIDAL WETLANDS AND BUFFER, STREAM AND BUFFER, STEEP SLOPES, ENDANGERED SPECIES OR HABITATS) EXIST ON THE SITE.
- EXISTING PUBLIC WATER WILL BE UTILIZED FOR POTABLE WATER SUPPLY. HOWEVER, THE BUILDING WILL NOT HAVE ANY BATHROOMS. A SPRINKLER SYSTEM WILL BE PROVIDED WITH A NEW SERVICE.
- EXISTING PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL. SUPPLY. HOWEVER, THE BUILDING WILL NOT HAVE ANY BATHROOMS, THEREFORE NO SEWER SERVICE IS PROPOSED.
- STORMWATER MANAGEMENT FOR THE SITE WILL BE ADDRESSED VIA THE IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP).
- ALL ONSITE LIGHTING SHALL BE LOW CUT-OFF SHIELDED LUMINARIES AT 18' IN HEIGHT AND LIGHT SHALL NOT SHINE OFF-SITE AT LEVELS GREATER THAN 1 FOOT CANDLE.
SITE LIGHTING PROVIDED: – LITHONIA LIGHTING D-SERIES:
DSWC2 LED WALL PACK (OR EQUAL)
- THERE SHALL BE NO OPEN STORAGE ON ANY LOT OR OPEN AREAS, NOR SHALL ANY PRODUCTS BE DISPLAYED IN OPEN AREAS. ALL OUTSIDE STORAGE SHALL BE ADEQUATELY SCREENED AND LANDSCAPED IN ACCORDANCE WITH PROVISIONS OF SECTION 1015 OF THE CODE FOR THE TOWN OF EASTON.
- ONE FREESTANDING SIGN IS PERMITTED, NOT TO EXCEED 50 sq. ft. PER SIDE IN AREA, THE TOP OF WHICH IS NOT MORE THAN 10' IN HEIGHT. SUCH SIGNAGE SHALL BE SETBACK AT LEAST 10' FROM ANY PROPERTY LINE. A LANDSCAPED AREA EQUIVALENT TO THE AREA OF EACH SIDE OF A FREESTANDING SIGN.
- WALL MOUNTED SIGNAGE IS PERMITTED WITH A MAXIMUM AREA OF 1 sq. ft. OF SIGNAGE PER 1 LINEAL FOOT OF STREET FRONTAGE OF THE BUILDING.
- SITE REQUIREMENTS:
BUILDING SETBACKS
(SECTION 28.410.2(D)(1)(2)(3):
FRONT = 40'
REAR = 30'
SIDE = 10'
MAXIMUM BUILDING HEIGHT:
(SECTION 28.410.2(E):
PRINCIPAL = 35' (ALLOWED)
PRINCIPAL = <35' (EXISTING & PROPOSED)



VICINITY MAP

SCALE 1" = 2000'

TABLE OF CONTENTS

SHEET C-1 – TITLE SHEET
SHEET C-2 – OVERALL SITE PLAN

OWNER/DEVELOPER:

PARKWAY STORAGE, LLC
c/o BENSON HARPER
30236 CODS POINT ROAD
TRAPPE, MARYLAND 21673
PHONE No. 1-410-310-9074

ENGINEER:

DMS & ASSOCIATES, LLC
c/o WILLIAM T. DAVIS, P.E.
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

SURVEYOR:

McCRONE, INC.
320 PENNSYLVANIA AVENUE
CENTREVILLE, MARYLAND 21617
PHONE No. 1-410-758-2237

GENERAL NOTES

- THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF CONSTRUCTION. ANY DAMAGE INCURRED TO SUCH UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL TEST PIT AS TO VERIFY THE LOCATION AND INVERT OF EXISTING UTILITIES.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE CONSTRUCTION WITH THE UTILITY COMPANIES INVOLVED:

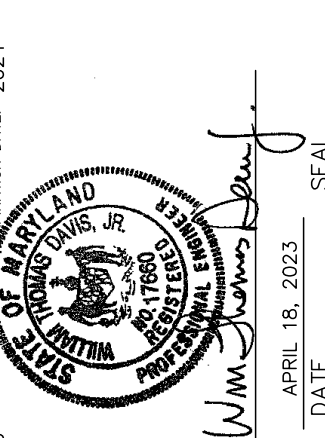
DELMARVA POWER & LIGHT COMPANY	1-800-375-7117
MISS UTILITY	1-800-441-8355
DMS & ASSOCIATES, LLC	1-443-262-9130
DEPARTMENT OF ENVIRONMENT	1-410-901-4020
TALBOT SOIL CONSERVATION DISTRICT	1-410-822-1577
TOWN OF EASTON ENGINEERING	1-410-820-8822
TOWN OF EASTON DEPARTMENT OF PUBLIC WORKS	1-410-822-0513
EASTON UTILITIES	1-410-822-6110
- THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT, LABOR, AND MATERIALS FOR ANY MISCELLANEOUS OR TEST PIT EXCAVATIONS REQUIRED BY THE ENGINEER.
- ALL CONSTRUCTION SHALL BE MARKED FOR TRAFFIC AND PEDESTRIAN SAFETY. ALL SIGNS SHALL BE PLACED IN ACCORDANCE WITH SECTION VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE TOWN OF EASTON STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR ASSUMES ALL RESPONSIBILITIES FOR ANY DEVIATIONS FROM THESE PLANS, UNLESS SAID DEVIATION IS APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE ENGINEER IF A DEVIATION OF THE PLAN IS NECESSARY.
- ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROVIDE POSITIVE DRAINAGE IN THE DIRECTION OF FLOW ARROWS HEREIN AND STABILIZED WITH TOPSOIL, SEED, AND MULCH. IF SETTLEMENT OCCURS, TOPSOIL, SEEDING AND MULCHING SHALL BE REPEATED UNTIL SETTLEMENT SUBSIDES (SEE EROSION AND SEDIMENT CONTROL SPECIFICATIONS).
- ALL TRASH, TREES, AND UNDERBRUSH ARE TO BE CLEARED AND REMOVED OFF SITE TO AN APPROVED DUMP SITE.
- ANY EXCESS EXCAVATED MATERIAL SHALL BE REMOVED OFF SITE BY THE CONTRACTOR OR MATERIAL SHALL BE PLACED ON SITE AS DIRECTED BY THE ENGINEER AND/OR OWNER.
- ANY EXISTING SURVEY MONUMENTATION THAT IS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED BY A REGISTERED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- ALL FILL AREAS WITHIN LIMITS OF ROADWAY CONSTRUCTION AND OTHER AREAS AS DESIGNATED ON THESE PLANS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY AND LAID AND COMPACTED IN 8" LIFTS MAXIMUM.
- TRENCHES SHALL NOT REMAIN OVERNIGHT. IF IT IS NECESSARY FOR TRENCHES TO REMAIN OPEN, STEEL PLATES, CAPABLE OF TRAFFIC BEARING, SHALL BE USED TO COMPLETELY COVER THE TRENCH.
- ALL SEWER VALVES, BOXES AND FRAMES & COVERS SHALL BE SET AND ADJUSTED TO FINISHED GRADE.
- CONTRACTOR MUST PROVIDE MONUMENTED SURVEY MARKERS PER PUBLIC WORKS AGREEMENT.
- THE DEVELOPER SHALL COORDINATE WITH THE TOWN OF EASTON TO SCHEDULE INSTALLATION OF ALL NECESSARY ROADWAY SAFETY SIGNAGE AND ROAD NAME BLADES. SIGNAGE SHALL BE INSTALLED AT THE START OF CONSTRUCTION AND MAINTAINED BY THE TOWN OF EASTON THROUGHOUT THE COMPLETION OF THE WORK AT THE EXPENSE OF THE DEVELOPER. THE DEVELOPER SHALL PAY INVOICES UPON RECEIPT FROM THE TOWN OF EASTON.
- ALL PVC, PE, AND HDPE PIPE, OTHER THAN PIPE RUNS BETWEEN GRAVITY SEWER MANHOLES, SHALL HAVE A CONTINUOUS, SINGLE STRAND, 8-GAUGE UNCOATED COPPER TRACER WIRE LOCATED BENEATH THE PIPE. THE WIRE SHALL BE STUBBED INTO ALL METER PITS, VACUUM VALVE PITS, CLEANOUTS, AND DIVISION VALVE BOXES.
- ONCE CONSTRUCTION IS COMPLETE, AS-BUILT PLAN CERTIFICATION SHALL BE SUBMITTED BY EITHER A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF MARYLAND TO ENSURE ALL CONSTRUCTION IS IN COMPLIANCE WITH THE SPECIFICATIONS AND APPROVED PLANS.

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE WEST SIDE OF MARYLAND ROUTE 322 AND THE EAST SIDE OF MARYLAND ROUTE 662 IN THE TOWN OF EASTON AND IS KNOWN AS "AIRWAY BUSINESS CENTER." LOT 1 IS CURRENTLY USED FOR OUTDOOR STORAGE AND LOTS 2 thru 4 CURRENTLY CONSIST OF (5) FIVE MINI-WAREHOUSES. THE INTENT OF THIS BOARD OF APPEALS PLAN IS TO REMOVE THE LOT LINE BETWEEN LOTS 1 AND 2 TO CREATE (1) ONE NEW PARCEL. THEN, CONSTRUCT A NEW (2) TWO STORY MINI-WAREHOUSE BUILDING WITH A COMBINATION OF CLIMATE CONTROLLED AND TYPICAL MINI-WAREHOUSE UNITS.

THE PURPOSE OF THIS BOARD OF APPEALS PLAN IS TO OBTAIN APPROVAL FROM THE TOWN OF EASTON BOARD OF ZONING APPEALS TO CONSTRUCT THE PROPOSED MULTI-USE MINI-WAREHOUSE WITHIN THE 100' SETBACK (CLIMATE CONTROLLED) AND THE 300' SETBACK (CONVENTIONAL MINI-WAREHOUSE) FROM MARYLAND ROUTE 322 WHICH IS DESIGNATED AS A MAJOR ROAD.

PROFESSIONAL CERTIFICATION: THESE DOCUMENTS WERE PREPARED OR REVIEWED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE ENGINEERING ACT OF MARYLAND LICENSE NO. 17500

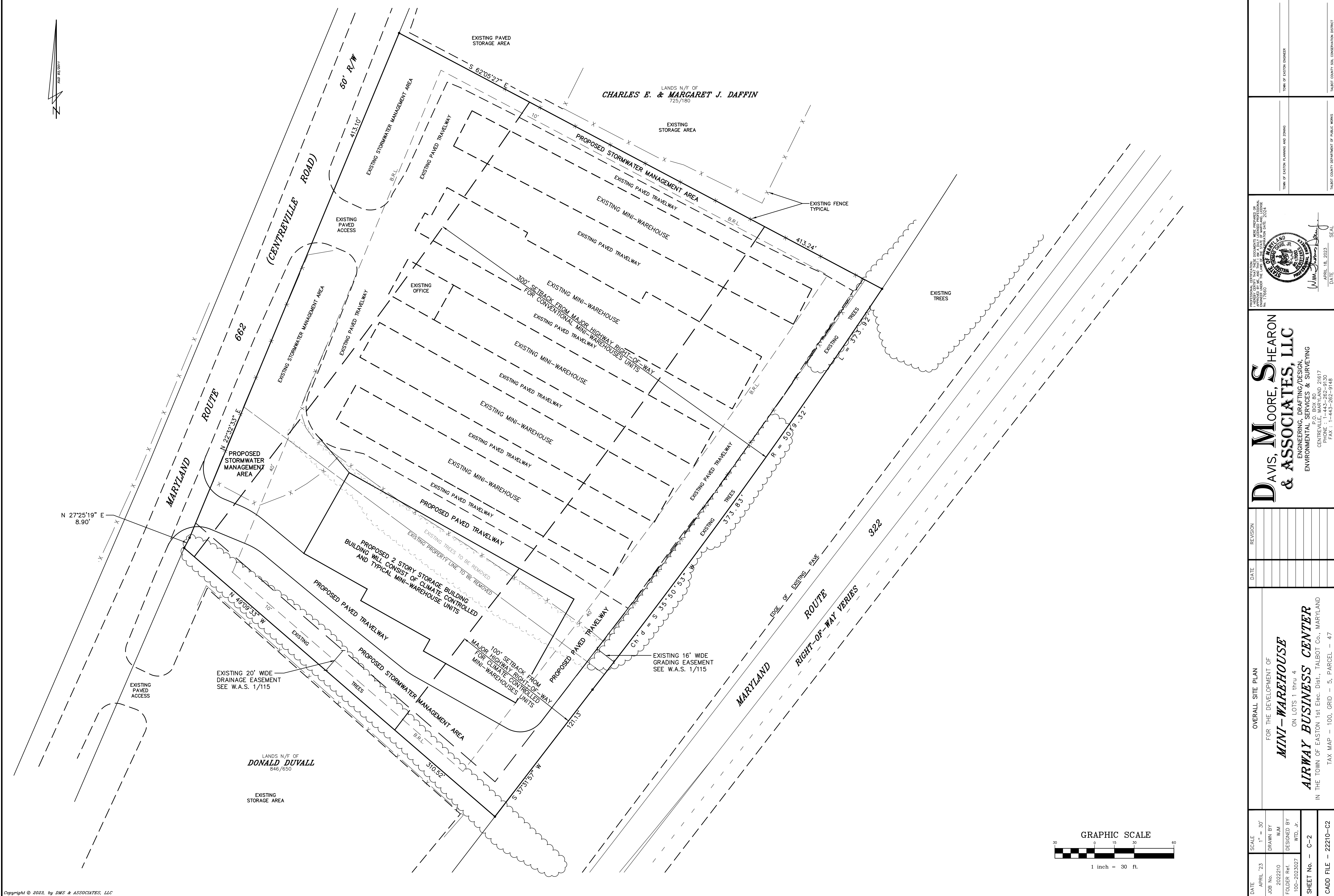


DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

REVISION	DATE

TITLE SHEET
FOR THE DEVELOPMENT OF
MINI-WAREHOUSE
ON LOTS 1 thru 4
AIRWAY BUSINESS CENTER
IN THE TOWN OF EASTON 1st Elec Dist., TALBOT Co., MARYLAND
TAX MAP – 100, GRID – 5, PARCEL – 47

DATE	SCALE	AS SHOWN
APRIL '23		
JOB No.	DRAWN BY	
202210	WJM	
FOLDER Ref.	DESIGNED BY	
100-2023027	WTD, Jr.	
SHEET No.	–	C-1
CADD FILE	–	22210-C1



DATE: APRIL '23		SCALE: 1" = 30'		OVERALL SITE PLAN		REVISION		DATE		DATE		DATE	
JOB No. 2022210		DRAWN BY WJM		FOR THE DEVELOPMENT OF MINI-WAREHOUSE									
FOLDER Ref. 100-2023027		DESIGNED BY WJD, Jr.		ON LOTS 1 thru 4									
SHEET No. - C-2				AIRWAY BUSINESS CENTER									
CADD FILE - 22210-C2				IN THE TOWN OF EASTON 1st Elec. Dist., TALBOT Co., MARYLAND									
				TAX MAP - 100, GRID - 5, PARCEL - 47									
				DAVIS, MOORE, SHEARON & ASSOCIATES, LLC									
				ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING									
				P.O. BOX 80 CENTREVILLE, MARYLAND 21617									
				FAX : 1-443-262-9148									
				APRIL 18, 2023									
				DATE									
				SEAL									
				TOWN OF EASTON PLANNING AND ZONING									
				TOWN OF EASTON ENGINEER									
				TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS									
				TALBOT COUNTY SEAL, CONSERVATION DISTRICT									

IMP. FID. STATE \$	28.00
RECORD FEE -	28.00
TOTAL	40.00
REF # 1802	REF # 73246
MAS 6450	BIR # 86
Mar 03, 2004	12:06 PM

NO CONSIDERATION

NO TITLE EXAMINATION

THIS DEED made this 2nd day of March, in the year two thousand and four, by **STEPHEN H. HARPER and LINDA H. HARPER**, Grantors.

WHEREAS, Stephen H. Harper and Linda H. Harper are the sole owners of the below-described real property by virtue of deed dated July 1, 1998 from W. Rembert Simpson and Jo Sue Simpson, which deed is recorded among the Land Records of Talbot County, Maryland in Liber 896, folio 614; and deed dated January 28, 2004 from Stephen H. Harper, which deed is recorded among the Land Records of Talbot County in Liber 1221, folio 109; and

WHEREAS, Stephen H. Harper and Linda H. Harper conduct a real estate enterprise as that term is defined in TP §12-108(bb)(1); and

WHEREAS, the said Stephen H. Harper and Linda H. Harper are also the sole members of Parkway Storage, LLC, a Maryland limited liability company; and

WHEREAS, Stephen H. Harper's and Linda H. Harper's allocation of profits and losses of Parkway Storage, LLC, is identical to their allocation of profits and losses of their real estate enterprise; and

WHEREAS, this transfer is part of a discontinuation of the real estate enterprise; and

WHEREAS, all real property used in the real estate enterprise is being conveyed to a single limited liability company; and

WHEREAS, for no consideration, the said Stephen H. Harper and Linda H. Harper wish to grant and convey the below-described property to **PARKWAY STORAGE, LLC**, the limited liability company of which they are members, and such grant and conveyance is exempt from transfer and recordation taxes in accordance with TP §§12-108(bb) and 13-207(a)(18).

WITNESSETH: That for **NO MONETARY CONSIDERATION** (\$0.00), the said Grantors do hereby grant and convey unto **PARKWAY STORAGE, LLC**, a Maryland limited liability company, Grantee, its successors and assigns, in fee simple, the following described property:

TRACT ONE:

ALL those lots or parcels of ground situate, lying and being in the Town of Easton, Talbot County, Maryland, and more particularly shown as Lots 2 and 3 on a Plat prepared by

KOPEN & COLLISON, LLP
ATTORNEYS AT LAW
POST OFFICE BOX 1028
EASTON, MARYLAND 21601
410-822-3900

LIBER 1228 FOLIO 47

Rauch, Walls and Lane, Inc., dated July, 1989, entitled "**PLAT SHOWING AIRWAY BUSINESS CENTER IN THE TOWN OF EASTON TALBOT COUNTY, MARYLAND**" and recorded among the Plat Records of Talbot County in Plat Cabinet 1, folio 115-B. Reference is herein and hereby made to said plat and the record thereof for a more complete description of the said lots by metes and bounds, courses and distances, exactly as if the same had been recited herein.

BEING the same property conveyed unto Stephen H. Harper and Linda H. Harper by deed from Stephen H. Harper, dated January 28, 2004, and recorded among the Land Records of Talbot County at Liber 1221, folio 109.

TRACT TWO:

ALL those lots or parcels of ground situate, lying and being in the Town of Easton, Talbot County, Maryland, and more particularly shown as Lots 1 and 4 on a Plat prepared by Rauch, Walls and Lane, Inc., dated July, 1989, entitled "**PLAT SHOWING AIRWAY BUSINESS CENTER IN THE TOWN OF EASTON TALBOT COUNTY, MARYLAND**" and recorded among the Plat Records of Talbot County in Plat Cabinet 1, folio 115-B. Reference is herein and hereby made to said plat and the record thereof for a more complete description of the said lots by metes and bounds, courses and distances, exactly as if the same had been recited herein.

BEING the same property conveyed unto Stephen H. Harper and Linda H. Harper by deed from W. Rembert Simpson and Jo Sue L. Simpson, dated July 1, 1998, and recorded among the Talbot County Land Records in Liber 896, folio 614.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging and in any wise appertaining.

TO HAVE AND TO HOLD said lot or parcel of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages to the same belonging or appertaining to and to the proper use and benefit of said Grantee, its successors and assigns, in fee simple.

AND the said Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber said property hereby conveyed; that they will warrant specially said property hereby granted; and that they will execute such other and further assurance of same as may be requisite.

AS WITNESS the hands and seals of said Grantors.

WITNESS:

Jennifer Collins

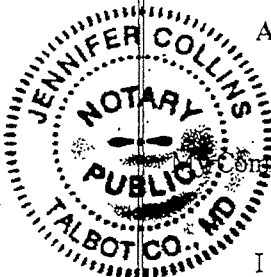
Stephen H. Harper (SEAL)
STEPHEN H. HARPER

Linda H. Harper (SEAL)
LINDA H. HARPER

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY that on this 2nd day of March, 2004, before me, the subscriber, a Notary Public of the aforesaid State and County, personally appeared **STEPHEN H. HARPER** and **LINDA H. HARPER**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument, and they acknowledged that they executed the same for the purposes therein contained, and further acknowledged that the matters, facts, and consideration recited in the above instrument are true and correct to the best of her knowledge, information and belief, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.



Commission Expires: 8/7/07



I am an attorney admitted to practice before the Court of Appeals of the State of Maryland and that the foregoing instrument was prepared by me or under my supervision.

Michael J. Kopen
Michael J. Kopen

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID.

FINANCE OFFICER OF TALBOT COUNTY

A. ANDREW COLLINS, FIN. OFFICER /WLL

DATE 3/3/04

3 THIS IS TO CERTIFY THAT THE PROPERTY DESCRIBED
HEREIN HAS BEEN TRANSFERRED ON THE ASSESSMENT
RECORDS OF TALBOT COUNTY.

DAVID H. EWING
SUPERVISOR OF ASSESSMENTS

A. ANDREW COLLINS, FIN. OFFICER /WLL
PER

3/3/04

KOPEN & COLLISON, LLP
ATTORNEYS AT LAW
POST OFFICE BOX 1028
EASTON, MARYLAND 21601
410-822-3900

LIBER 1228 FOLIO 49



TOWN OF EASTON BOARD OF ZONING APPEALS

14 S. Harrison Street

Easton, Maryland 21601

Planning and Zoning Office: 410-822-1943

April 20, 2023

RE: Application No. V-926 / V 23-06
 9071 Centreville Road
 Tax Map 100, Grid 05, Parcel 047, Lots 1-4
 Easton, Maryland 21601
 Zoning: I - Industrial District

Benson Harper
 Parkway Storage LLC
 20236 Cods Point Road
 Trappe, Maryland 21673

Town of Easton		
*** CUSTOMER RECEIPT ***		
Oper: CKAHANE	Type: OC	Drawer: 1
Date: 4/18/23 01	Receipt no:	8635
Year	Number	Amount
2023	926	
PZ	PZ - PAYMENTS	\$250.00
PZ 23-926 \$250		
DAVIS MOORE SHEARON & ASSOC		
PO BOX 80		
CENTERVILLE MD 21617		
Tender detail		
CK CHECK	10504	\$250.00
Total tendered		\$250.00
Total payment		\$250.00
Trans date: 4/18/23	Time: 14:29:37	
THANK YOU FOR YOUR PAYMENT.		

➤ **\$250.00 BOZA Variance**
Application No.: V-926 / V 23-06



TOWN OF EASTON BOARD OF ZONING APPEALS

14 S. Harrison Street

Easton, Maryland 21601

Planning and Zoning Office: 410-822-1943

April 20, 2023

RE: Application No. V-926 / V 23-06
9071 Centreville Road
Tax Map 100, Grid 05, Parcel 047, Lots 1-4
Easton, Maryland 21601
Zoning: I - Industrial District

William Thomas Davis Jr.
DMS & Associates, LLC
P.O Box 80
Centreville, Maryland 21617

Town of Easton
*** CUSTOMER RECEIPT ***
Oper: CKAHANE Type: OC Drawer: 1
Date: 4/18/23 01 Receipt no: 8635

Year	Number	Amount
2023	926	
PZ	PZ - PAYMENTS	\$250.00

PZ 23-926 \$250
DAVIS MOORE SHEARON & ASSOC
PO BOX 80
CENTREVILLE MD 21617

Tender detail
CK CHECK 10504 \$250.00
Total tendered \$250.00
Total payment \$250.00

Trans date: 4/18/23 Time: 14:29:37

THANK YOU FOR YOUR PAYMENT.

➤ **\$250.00 BOZA Variance**
Application No.: V-926 / V 23-06

Exhibit 'C'



Sign posted on May 1, 2023

Exhibit 'D'

Date of Hearing: May 16, 2023

3a

**BOARD OF ZONING APPEALS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: **VARIANCE-926**

ELECTION WARD: Ward 1

CRITICAL ACTION DATE: At the pleasure of the Board.

STAFF CONTACTS: Nicholas Johnson - Planner
Miguel Salinas - Director of Planning and Zoning

APPLICANT: Parkway Storage LLC

PURPOSE: The applicant is seeking two setback variances to allow a storage facility consisting of climate controlled storage and mini-warehouses to be constructed. The two variances are from § 28-1007.3.A.2h and § 28-1007.3.A.9h which prohibit mini-warehouses and climate-controlled storage within three hundred (300) feet and one hundred (100) feet, respectively, of the right of way of any major road as defined by § 28-1009. Easton Parkway (MD 322) is considered a major road and the proposed new buildings are within 100-feet of the right of way.

RECOMMENDATION:

Staff supports a Board of Zoning Appeals (Board) **denial** of this request. It is clearly the intent of the Zoning Ordinance to ensure that new storage facilities are not visible from any major right-of-way. The Planning Commission and Town Council intended to protect Easton’s aesthetics by requiring these structures to be significantly setback and screened from major rights-of-ways. There are also many other commercial and industrial uses that can be accommodated by right on this lot without these additional setback requirements

APPLICATION INFORMATION:	
APPLICANT: Parkway Storage LLC c/o Benson Davis	REPRESENTATIVE: Same

PARCELS/ACREAGE:	
Parcel Information	Acreage
Map 100, Grid 5, Parcel 47, Lots 1-4	3.78
ACCEPTANCE DATE: April 18, 2023	LOCATION: 9071 Centerville Road
EXISTING ZONING Business Commercial (BC)	EXISTING LAND USE: Vacant and Storage
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE: Industrial

CONTEXT:

Location/Site Access – Lot 1, the subject property, is located between Centerville Road and the Easton Parkway (MD 322). The lots are accessed via Centerville Road.

Existing Conditions – The subject property is vacant and can generally be described as approximately 1 acre of open space used for the storage of equipment. Lots 2-4 are currently utilized for mini-warehouse style storage, owned and operated by the applicant.

Surrounding Properties –

	Land Use	Zoning District(s)	Future Planned Land Use
North	Commercial	BC	Industrial
South	Industrial	BC	Industrial
East	Industrial	CG	Commercial
West	Airport	I	Industrial



Figure 1: Vicinity Map

PROPOSAL: Parkway Storage LLC., the applicant, is proposing to construct a self-storage facility consisting of climate-controlled and mini-warehouse style storage structures. This subject property is zoned BC which permits both uses by right but subject to supplemental standards. The applicant has submitted the following:

- Conceptual site plan
- Deed

BACKGROUND: The subject property is currently vacant and intended by the applicant to be the final phase of the existing storage facility located on lots two through four. The existing mini-warehouse structures were approved in 1996, well before the supplemental setback standards for min-warehouses and climate-controlled storage were implemented.

Supplemental standards for self-storage facilities were added to the Zoning Ordinance in the 2021 update with the intent of ensuring these facilities are not visible from major roads such as the Easton Parkway. These facilities also have supplemental standards regarding orientation and architecture. The Planning Commission also added landscaping standards specifically for storage

facilities that require additional plantings to further screen them from view. The proposed storage facilities are located within the 300-foot and 100-foot buffers implemented to ensure these facilities are not visible from major roads.

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.

Analysis – The screening of unsightly structures such as mini-warehouse storage facilities is in the public’s interest. The Planning Commission and Town Council clearly intended to ensure that these facilities were not visible and setback from the Town’s roads that carry the most traffic. While the existing storage facility on the neighboring lots are within this 300-foot buffer, they were approved over twenty years before the addition of these supplemental setback standards. The intent of the ordinance is to ensure that mini-warehouses and climate-controlled storage are not visible from major rights-of-way. If the Board approves this request, it should condition it upon enhanced screening to ensure these structures are not visible from the Easton Parkway. The setback requirements for storage structures help protect the aesthetics of Easton and have no direct impact on public welfare.

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.

Analysis – Mini-warehouses and climate controlled storage are one of a few uses that come with setbacks beyond that of the underlying zoning district. While it is true that the 300-foot setback places significant limitations on the construction of mini-warehouses on this property, there are many other uses that are permitted by right within the BC Zoning District that do not come with a 300- or 100-foot additional setback from major roads. This lot meets the Zoning Ordinance’s minimum lot size requirement for the BC District of 40,000 square feet and the minimum street frontage requirement of 100 feet. Given that the lot meets the underlying dimensional requirements for the BC Zoning District, there is nothing peculiar to this property outside of the supplemental setback standards for the proposed use.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals **deny** Variance 926 based on the findings that it is in the public interest to require storage facilities to be significantly screened from major roads and that a literal enforcement of the Ordinance will not result in a practical difficulty to the applicant.

OR

2. I move that the Board of Zoning Appeals approve Variance 926 with the following conditions.

OR

3. I move an alternate motion.

NOTICE

Notice is hereby given that Parkway Storage LLC has filed Application V-926 / V 23-06, pursuant to Section 28-1303.5.C of the Zoning Ordinance of the Town of Easton, to request a variance from Section 28-1007.3.A.2.h, the minimum 100' setback for a climate controlled self-storage facility from the right-of-way of a major road as indicated by Section 28-1009; and Section 28-1007.3.A.9.h for relief from the minimum 300' setback for a mini-warehouse facility from the right-of-way of a major road as indicated by Section 28-1009. The variance request is to permit development of a new mini-warehouse and climate controlled self-storage building in the BC – Business Commercial zoning district.

The property is located at 9071 Centreville Road, Lots 1-4, Easton, Maryland. The property is owned by Parkway Storage LLC. 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 Tuesday, May 16, 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.

APG Media of Chesapeake, LLC**29088 Airpark Drive
Easton, MD 21601**

Phone: Fax:

**INVOICE
04/27/23**

Cust. AcctID:	Creation Date: 04/27/23
	Ad Date: 04/30/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3020711
Company: TOWN OF EASTON (L)	Words: 195
Address: PO Box 520	Lines: 24
EASTON, MD 21601	Agate Lines: 78
	Depth: 3.25
	Inserts: 2
	Blind Box:
Telephone: (410) 822-2525	
Description: Application V-926 / V 23-06	

Other Charges: **\$0.00**
Discount: **\$0.00**
Surcharge: **\$0.00**
Credits: **\$0.00**
Bill Depth: **3.25**

Total:

Paid Amount:

Amount Due:

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts
The Star Democrat	04/30/23	04/30/23	1

Ad Note:

Customer Note:

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

NOTICE

Notice is hereby given that Parkway Storage LLC has filed Application V-926 / V 23-06, pursuant to Section 28-1303.5.C of the Zoning Ordinance of the Town of Easton, to request a variance from Section 28-1007.3.A.2.h, the minimum 100' setback for a climate controlled self-storage facility from the right-of-way of a major road as indicated by Section 28-1009; and Section 28-1007.3.A.9.h for relief from the minimum 300' setback for a mini-warehouse facility from the right-of-way of a major road as indicated by Section 28-1009. The variance request is to permit development of a new mini-warehouse and climate controlled self-storage building in the BC - Business Commercial zoning district.

The property is located at 9071 Centreville Road, Lots 1-4, Easton, Maryland. The property is owned by Parkway Storage LLC. 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 Tuesday, May 16, 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

3020711 SD

4/30/2023

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TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

NOTICE OF APPLICATION SUMMARY

2023-05-16

V-926 / V 23-06

Applicant notified of hearing date: Email: 2023-04-28 – 18 days

Exhibit A: Application – 2023-04-18 – 28 days

Exhibit B: Paid Receipt – 2023-04-18 – 28 days

Exhibit C: Picture of Property Sign Posting – 2023-05-01 – 15 days

Exhibit D: Staff Report – 2023-05-05 – 11 days

Exhibit E: Public Advertisement

Advertisement sent to the Star Democrat: 2023-04-27– 19 days

Advertisement run in Star Democrat: 2023-04-30 – 16 days

Exhibit F: Notices

Applicant Hearing Letter: Email: 2023-04-28 – 18 days

400' Notices Distributed: 2023-05-01 – 15 days



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

April 28, 2023

William Thomas Davis, Jr. PE
DMS & Associates, LLC
P.O. Box 80
Centreville, MD 21617

Re: **Application No. V-926 / V-23-06**
Tax Map 100, Grid 005, Parcel 74, Lots 1-4
Centreville Road - Parkway Storage
Easton, MD 21601

Mr. Davis:

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, May 16th 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
Administrative Specialist
Planning & Zoning Department
Town of Easton, MD
410-822-1943 ssmith@eastonMD.gov



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

April 28, 2023

Parkway Storage LLC
% Benson Harper
30236 Cods Point Road
Trappe, MD 21673

Re: **Application No. V-926 / V-23-06**
Tax Map 100, Grid 005, Parcel 74, Lots 1-4
Centreville Road - Parkway Storage
Easton, MD 21601

Mr. Harper:

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, May 16th 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;
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If there are any restrictions attached to the deed of the property subject to this application, please advise the Board thereof.

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

May 1, 2023

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, May 16, 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 on behalf of Parkway Storage LLC for 9071 Centreville Road, Lots 1-4 has been filed pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton, to request a variance from Section 28-312.4.1.A, the minimum floor-to-ceiling height of 14' at ground level and 10' for upper stories. A variance is also requested from Section 28-312.4.4.B, to permit windows and doors to cover at least 41% of the length of the ground floor of the front elevation, and at least 23% of the surface area of the front elevation. This building known as the Arc at Port Street will include a community hub, a behavioral health suite with office and training spaces, and will also provide affordable and workforce housing for low and moderate income households. This project has already received site plan approval by the Easton Planning Commission.

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
Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov



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 **Port Street**
Tax Map **34** Grid **15** Parcel **77** Lot **1**
Deed Reference: Liber **2873** Folio **398**
Plat Reference: Liber Folio
Existing Use
Zoning District **MXW**
Historic District Y ☐ N ☒ PRD Y ☐ N ☒

Owner

Name **Chesapeake Community Development LLC**
Mailing Address **1332 Donald Avenue, Severn, Maryland 21144**
Telephone No. Email

Applicant or Agent

Name **Zachary A. Smith**
Mailing Address **Armistead, Lee, Rust & Wright, P.A, 114 Bay Street, Building C, Easton, MD 21601**
Telephone No. **410-819-8989** Email **zachsmith@alrwlaw.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 **§28-312.4**
Change From **N/A** to **N/A**

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.

Please see the attached.

- 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


 4/25/23
 Zachary A. Smith

For Office Use Only

Project Number	V 23-07	Fee Received	\$250.00
Application Number	V-932	Application Notification	05/01/2023
Filing Date	04/25/2023	Property Posting Date	05/01/2023
BOZA Hearing Date	05/16/2023	Notice(s) Published	05/01/2023
If ESDR, Date			

Revised 2-2019

**RECEIVED
 APR 25 2023
 TOWN OF EASTON**

ATTACHMENT

The purpose of this Application is to seek variances from certain provisions of §28-312 of the Code, as set forth below, to allow the development of the building shown on the plans attached hereto (the “Project”). The property that is the subject of this Application is located on the south side of Port Street, and is shown as Lot 1 of Parcel 77 on Tax Map 34 (the “Property”). The Property is zoned MXW (Mixed Use Waterfront) and is currently vacant. The Easton Planning Commission has approved the Project.

The Project is being completed by The Arc Central Chesapeake Region (“The Arc”). The Arc’s mission statement is to *“support people with intellectual and development disabilities to live the lives they choose by creating opportunities, promoting respect and equity, and providing access to services.”* The building that is to be built will be known as The Arc at Port Street, and it will include a community hub, a behavioral health suite and office and training spaces. The building will also provide affordable and workforce housing for low and moderate income households.

While the Planning Commission has approved the Project, the need for certain variances has emerged during the review of the final site plan. The MXW regulations include certain prescriptive standards. These standards and the MXW zoning in general have been developed in anticipation of the development of retail and restaurants at Easton Point. The MXW zoning was later applied to certain areas along the Port Street corridor that are east of MD 322. The Project is actually the first development project that has been proposed under the MXW regulations, and the Applicant and the Town staff have discovered that certain provisions do not work well for the land uses being developed on the Property. Furthermore, the strict application of these standards would require a radical change in the design that the Planning Commission has approved. The Applicant is ready to proceed to development, and indeed any delay at this point in the process will jeopardize funding for the Project. The Town has been very supportive of the Project and The Arc, recognizing the vital importance of both the services and the housing that will be provided. The Applicant met with Town staff on Friday 4/21, and it was determined that pursuing the variances set forth below is the best way to keep the Project on track and moving forward.

The specific relief that is needed to allow the Project to move forward includes the following:

1. A variance from §28-312.4.1 (A) to permit floor-to-ceiling heights of 10’ on the ground floor, and 9’ for upper stories.
2. A variance from §28-312.4.4 (B) to permit windows and doors to cover at least 41% of the length of the ground floor of the front elevation, and at least 23% of the surface area of the front elevation.

Discussion:

1. **Ceiling Heights:** The Code requires a minimum floor-to-ceiling height for commercial and/or mixed-use buildings of 14' on the ground floor, and 10' for upper stories. For noncommercial buildings the minimum floor-to-ceiling height is 10' on the ground floor and 9' for upper stories. The subject building will have both institutional and residential uses. The Code is not entirely clear on which standard applies in this instance. The building design complies with the standard for a noncommercial building, but does not comply with the standard for a commercial building. To avoid any potential issue the Applicant is seeking a variance to apply the standard for noncommercial buildings, which is appropriate under the circumstances.

The standard requiring larger floor-to-ceiling heights clearly contemplates retail and/or restaurant uses. This standard is not appropriate for the institutional and residential uses that are proposed. Office space and residential units typically have 9' to 10' ceiling heights, which provides appropriate volumes for these land uses and reduces the need to condition the unnecessary space that would be created by higher ceiling heights. Additionally, increases in ceiling heights will cause an overall increase in the height of the building beyond the maximum height permitted in the MXW zone.

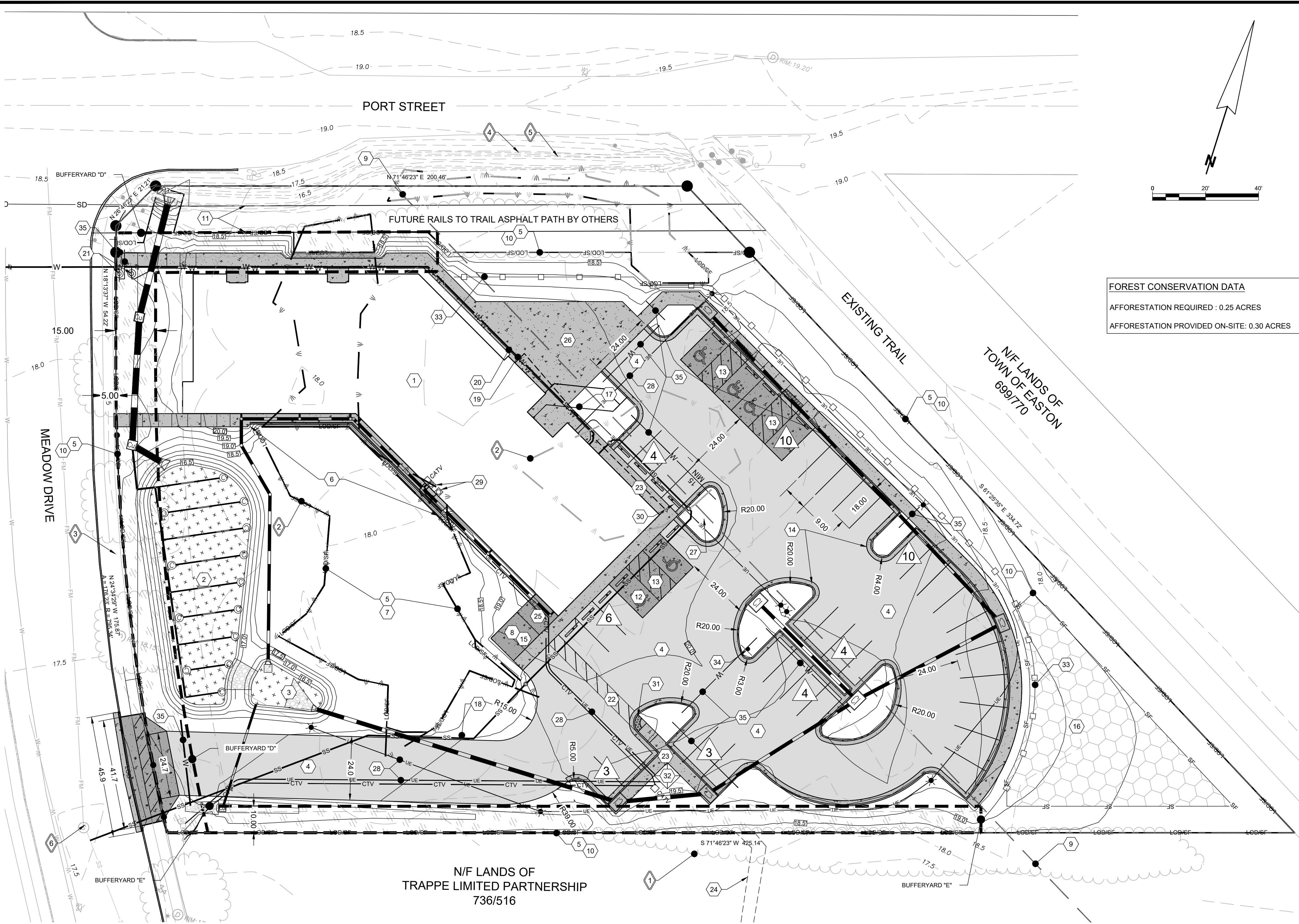
2. **Windows & Doors:** This section of the Code contains some contradictory language, which staff acknowledges is erroneous and needs to be revised. While the Applicant suspects such a revision may address any issue, the Applicant cannot wait for the Town to resolve the text, as this process is likely to take many months. The Town staff agrees that it would be unfair to make the Applicant wait for this section of the Code to be corrected, so all parties determined that pursuing a variance is the best path forward.

Under the current Code provision, buildings are generally required to have 50% of the ground floor of the front elevation covered by windows and doors, and at least 60% of the total surface area of the front elevation covered by windows and doors. These standards clearly contemplate retail storefronts and/or restaurant uses. As stated above, the proposed building will accommodate institutional and residential land uses. The subject standard is inappropriate under these circumstances. The architect has designed a front façade that includes a significant proportion of windows and doors, along with other architectural features that ensure that the front façade is interesting and contextually appropriate. The percentage of glazing on the front elevation is consistent with other buildings in Easton with similar uses, and the design was enthusiastically approved by the Planning Commission.

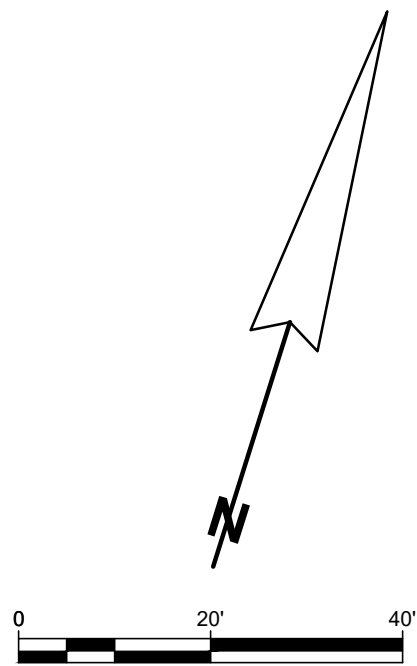
The use of this building does not allow for an increase in the percentage of windows and doors, specifically because of some of the internal functions of the space. While it is appropriate to have storefront windows for a retail and restaurant uses, this same design is not appropriate for The Arc at Port Street and the associated residences. If the Applicant was forced to add more windows and doors to the façade, the form and general appearance for the building will be significantly changed – thereby making it inconsistent with the

design that has been approved and endorsed by the Planning Commission. Additionally, any such change will interfere with the internal functions of the space.

For all of the reasons set forth above, please grant the variances that are needed to allow the development of the Project to move forward.



FOREST CONSERVATION DATA
AFFORESTATION REQUIRED : 0.25 ACRES
AFFORESTATION PROVIDED ON-SITE: 0.30 ACRES



SITE PLAN NOTES

- 1 PORT COMMONS BUILDING F.F.E = 20.40'
- 2 SUBMERGED GRAVEL WETLAND
- 3 SUBMERGED GRAVEL WETLAND FOREBAY
- 4 ASPHALT PARKING/ ROAD
- 5 LIMIT OF DISTURBANCE
- 6 12" WIDE RETAINING WALL
- 7 RETAINED NON-TIDAL WETLANDS
- 8 DUMPSTER WITH 8' TALL VINYL FENCE AND GATE FOR SCREENING
- 9 DELMARVA POWER & LIGHT COMPANY EASEMENT LINE
- 10 SILT FENCE
- 11 FUTURE RAILS TO TRAIL ASPHALT PATH BY OTHERS
- 12 CONCRETE HANDICAP PARKING TYPICAL
- 13 9' WIDE A.D.A. ACCESS AISLE STRIPED PER A.D.A. STANDARDS
- 14 STANDARD CURB AND GUTTER
- 15 CONCRETE DUMPSTER PAD
- 16 STOCKPILING/STAGING AREA
- 17 UNDERGROUND COMMUNICATION
- 18 6" SDR-35 SEWER MAIN
- 19 6" FIRE C-900 WATER LINE
- 20 4" POTABLE SDR-9 HDPE PIPE WATER LINE
- 21 WATER METERS (POTABLE & LANDSCAPE IRRIGATION)
- 22 5' CROSS WALK
- 23 PROPOSED SIDEWALK
- 24 FUTURE CONCRETE SIDEWALK BY OTHERS
- 25 15 SPACE BIKE RACK ON 4" THICK CONCRETE PAD
- 26 CONCRETE PATIO
- 27 SEWER CLEANOUT TYP.
- 28 UNDERGROUND ELECTRIC
- 29 ELECTRIC METER
- 30 PARKING WHEEL STOP TYP.
- 31 HANDICAP RAMP
- 32 ELECTRIC TRANSFORMER
- 33 4' TALL WOODEN FENCE
- 34 EMPLOYEE/RESIDENTS SIGN. SEE DETAIL ON SHEET C-305.02
- 35 WATER PIPE INSTALLED UNDER HARDSCAPE FOR IRRIGATION USE

44 44 PROPOSED 9'X18' PARKING SPACES, INCLUDING 6 VAN ACCESSIBLE PARKING SPACES/ HANDICAP PARKING SPACES, AND 2 ELECTRIC VEHICLE SPACES (E.V.), 16 RESIDENT SPACES, 28 EMPLOYEE PARKING SPACES

EXISTING FEATURES

- 1 TREE LINE
- 2 NON-TIDAL WETLAND
- 3 SIDEWALK
- 4 TOP OF DITCH
- 5 BOTTOM OF DITCH
- 6 APPROXIMATE LOCATION OF EXISTING SEWER

HATCH LEGEND

ASPHALT	ESD BED BOTTOM	STAGING/STOCKPILE AREA
HEAVY DUTY CONCRETE	A.D.A. ACCESS AISLE	
CONCRETE	BUFFERYARD	

PARKING

REQUIREMENTS:

MULTIFAMILY

MINIMUM: 1 SPACE PER DWELLING UNIT
MAXIMUM: 2 SPACE PER DWELLING UNIT
MINIMUM BICYCLE: 0.5 SPACE PER DWELLING UNIT

OFFICE

MINIMUM: 1 SPACE PER 250 SF OF GROSS FLOOR AREA
MAXIMUM: 1 SPACE PER 140 SF OF GROSS FLOOR AREA
MINIMUM BICYCLE: 1 SPACE PER 10 VEHICLE SPACES

A.D.A. ACCESSIBLE

TOTAL MINIMUM: 3 SPACES
TOTAL MAXIMUM: 4 SPACES
VAN MINIMUM: 1 SPACE

PROVIDED:

MULTIFAMILY: 9 DWELLING UNITS (DU)
9 SPACES MINIMUM REQUIRED
18 SPACES MAXIMUM REQUIRED

OFFICE: 12,153 SF
49 SPACES MINIMUM REQUIRED
87 SPACES MAXIMUM REQUIRED

BICYCLE SPACES: 8 DU, 49 MIN. OFFICE PARKING
10 SPACES REQUIRED

TOTAL MINIMUM SPACES REQUIRED PER TOWN CODE- 58 PARKING SPACES
TOTAL MAXIMUM SPACES REQUIRED PER TOWN CODE- 105 PARKING SPACES
TOTAL PROVIDED - 44 PARKING SPACES (8 TOTAL ACCESSIBLE)
15 SPACE BICYCLE RACK PROVIDED

* WAIVER REQUIRED FOR REDUCTION OF 14 PARKING SPACES

CAPITAL CHARGES:

WATER:

MULTIFAMILY: 9 DWELLING UNITS
= 9 EDU'S - RESIDENTIAL

OFFICE: 12,153 SF
(12,153 SF * 0.09 GPD/SF) / (250 GPD/EDU)
= 4.38 EDU'S - OFFICE

LANDSCAPING: 0.25 ACRES TO BE IRRIGATED
4 EDU'S PER ACRE OF IRRIGATION
= 0.25*4 EDU'S/AC
= 1 EDU - LANDSCAPING

EXISTING EDU'S: = 1 EDU

TOTAL WATER: = 9 + 4.38 + 1 - 1 = 13.38 EDU'S
= 13.38 EDU'S * \$2,350
= \$31,443 - WATER

WASTEWATER:

= WATER EDU'S - LANDSCAPING EDU
= 13.38 - 1 = 12.38 EDU'S
= 12.38 * \$4,700
= \$58,186 - WASTEWATER

TOTAL: = \$WATER + \$WASTEWATER
= \$89,629

APPROVED:

TOWN OF EASTON - TOWN ENGINEER

APPROVED:

TOWN OF EASTON PLANNING AND ZONING

APPROVED:

EASTON UTILITIES - ENGINEER

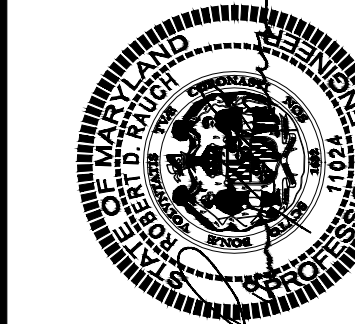
SITE PLAN

OF THE LANDS OF

PORT STREET COMMONS

TAX MAP 0034, GRID 0015, PARCEL 0077
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR CHESAPEAKE COMMUNITY DEVELOPMENT LLC

RAUCH
INC.
engineering design &
development services



Professional Certification.
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 11024
Expiration Date: July 24, 2024

REVISIONS

REV. #	DATE	DESCRIPTION
1	03/07/2023	REVISED PER TOE COMMENTS
2	03/20/2023	REVISED PER TOE COMMENTS
3	03/31/2023	REVISED FOR ROOF LEADERS
4	04/07/2023	REVISED NUMBER OF SECONDARY CONDUIT
5	04/02/2023	1500 REVISIONS (STABLE, TABLE, PHONE #, SOC. DEV. SIGNED)
6	04/17/2023	REVISED PER TOWN/EC COMMENTS

DATE: 4/19/2023

SCALE: 1" = 20'

DRAWN BY: MCF

DESIGNED BY: JWL

APPROVED BY: CDR

SHEET NO.: C-101



North Elevation - Port Street Facade



Northeast Elevation - Main Entrance



Site features may vary. Refer to civil/site plans.



Port Street Commons - Easton, MD
 Planning Commission Submission
 August 29, 2022



PARCEL NO.: 01-078054

Title Insurance Underwriter: First American Title Insurance Company

THIS DEED is made this 14th day of July, 2021, by and between **PARKWAY EAST, LLC, A MARYLAND LIMITED LIABILITY COMPANY**, party of the first part; and **CHESAPEAKE COMMUNITY DEVELOPMENT, LLC, A MARYLAND LIMITED LIABILITY COMPANY**, party of the second part.

WHEREAS Grantor is a forfeited Limited Liability Company and executes this deed pursuant to §4A-920 of the Corporations and Associations Articles as part of the winding up of the affairs of the Grantor.

WITNESSETH, that in consideration of the sum of ONE HUNDRED NINETY THOUSAND AND 00/100 Dollars (\$190,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, 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 point located at the northwest corner of Lot 1, W. Rembert and Jo Sue Simpson Property, said point being also located at the intersection of the easterly right of way line of Meadow Drive (60 feet wide) and the southerly right of way line of Maryland Highway Number 344 (Port Street – 54 feet wide);

Thence running from said point and binding along said last mention right of way the two following courses and distances;

- 1) North 26° 46' 23" East, 21.21 feet to a point;
- 2) North 71° 46' 23" East, 200.46 feet to a point located at or near the centerline of a 150 foot wide easement to Delmarva Power and Light Company;

Thence leaving said southerly right of way line and binding along said last mentioned line South 61° 25' 35" East – 332.72 feet to a point at the beginning of the division line between Lot 1 and Lot 2, W. Rembert and Jo Sue Simpson property;

Thence binding along said division line South 71° 46' 23" West – 423.14 feet to intersect the eastly right of way line of Meadow Drive;

Thence leaving said division line and binding along said easterly right of way line the two following courses and distances;

- 1) By a line curving to the right having a radius of 795.32 feet and a length of 176.23 feet with a chord of North 24° 34' 28" West – 175.87 feet to a point of tangency;
- 2) North 18° 13' 37" West – 54.21 feet to the point of beginning.

Containing 1.820 acres of land more or less.

All as shown on a survey prepared by Lane Engineering Inc. dated February, 2001, and being or intended to be a part of the property conveyed to W. Rembert and Jo Sue Simpson as recorded in the Land Records of Talbot County in Book 656, Page 932

Said lot being subject to approximately an 80 foot easement to Delmarva Power and Light Company, said easement being parallel to and south of the above mentioned Third on South 61° 25' 35" East -334.72 foot line of the herein described Lot 1, W. Rembert and Jo Sue Simpson Property.

Property Address: Port Street, Easton, MD 21601.

Being part the same property which by deed dated February 26, 2001, and recorded among the Land Records of Talbot County, Maryland on April 16, 2001, in Liber 998, in Folio 299, was granted and conveyed by W. Rembert Simpson and Jo Sue Simpson, husband and wife unto Parkway East, LLC, a Limited Liability Company.

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 party of the second part, its personal representatives and assigns, in fee simple.

AND the said party of the first part covenants that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, the said party of the first part have set its hand and seal the day and year first above written.

WITNESS:

Andrew Cooch

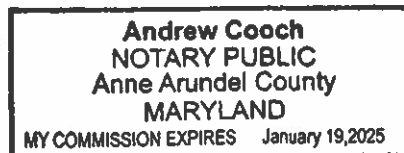
Parkway East, LLC,
A Maryland Limited Liability Company
By: [Signature] (SEAL)
Charles D. Hogendorp, Jr.
Authorized Member

STATE OF Maryland
COUNTY OF Anne Arundel

On this 14th day of July, 2021, before me, the undersigned officer, personally appeared Charles D. Hogendorp, Jr, Authorized Member of Parkway East, LLC, a Limited Liability Company, and that he, as such Authorized Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Company by himself as Authorized Member and is so authorized to act.

In witness thereof I hereunto set my hand and official seal.

[Signature]
Signature of notary public



Notary Public
My Commission Expires: 1-19-25

I CERTIFY THAT THIS INSTRUMENT WAS PREPARED BY AN ATTORNEY OR UNDER THE SUPERVISION OF AN ATTORNEY ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND.

[Signature]
Andrew Cooch, ATTORNEY

Source: [Bloomberg for Client Court Clerk Recognition Validation](#)

Space Reserved for County Validation

Exhibit 'B'



TOWN OF EASTON BOARD OF ZONING APPEALS

14 S. Harrison Street
Easton, Maryland 21601

April 28, 2023

RE:

Application No: V- 932 / V 23-07

Port Street - The Arc Central Chesapeake
Tax Map 034, Grid 015, Parcel 0077, Lot 1
Easton, Maryland 21601
Zoning: MXW

Zachary A. Smith
Armistead, Lee, Rust & Wright, P.A.
114 Bay Street, Building C
Easton, Maryland 21601

Town of Easton
*** CUSTOMER RECEIPT ***
Oper: SMILES Type: OC Drawer: 1
Date: 4/26/23 01 Receipt no: 8769

Year	Number	Amount
2023	932	
PZ	PZ - PAYMENTS	\$250.00

ARMISTEAD LEE RUST & WRIGHT

Tender detail
CK CHECK 20889 \$250.00
Total tendered \$250.00
Total payment \$250.00

Trans date: 4/26/23 Time: 9:43:07

THANK YOU FOR YOUR PAYMENT.

➤ \$250.00 Application No.: V-932 / V 23-07



TOWN OF EASTON BOARD OF ZONING APPEALS

14 S. Harrison Street
Easton, Maryland 21601

April 28, 2023

RE:

Application No.: V- 932 / V 23-07

Port Street - The Arc Central Chesapeake
Tax Map 034, Grid 015, Parcel 0077, Lot 1
Easton, Maryland 21601
Zoning: MXW

Chesapeake Community Development LLC
1332 Donald Avenue
Severn, Maryland 21144

Town of Easton		
*** CUSTOMER RECEIPT ***		
Oper: SMILES	Type: OC	Drawer: 1
Date: 4/26/23 01	Receipt no:	8769
Year	Number	Amount
2023	932	
PZ	PZ - PAYMENTS	\$250.00
ARMISTEAD LEE RUST & WRIGHT		
Tender detail		
CK CHECK	200089	\$250.00
Total tendered		\$250.00
Total payment		\$250.00
Trans date: 4/26/23	Time: 9:43:07	
THANK YOU FOR YOUR PAYMENT,		

➤ \$250.00 Application No.: V-932 / V 23-07

Exhibit 'C'



Sign posted on May 1, 2023

Exhibit 'D'

Date of Hearing: May 16, 2023

3b

BOARD OF ZONING APPEALS PUBLIC HEARING STAFF REPORT

SUBJECT: VARIANCE-932

ELECTION WARD: Ward 4

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Nicholas Johnson - Planner
Miguel Salinas - Director of Planning and Zoning

APPLICANT: Chesapeake Community Development LLC

PURPOSE: The applicant is seeking three variances from Mixed Use Waterfront (MXW) Zoning District's dimensional requirements for architecture. The first variance is from § 28 - 312.4.1 (A) which requires a minimum floor to ceiling height of fourteen (14) feet on the ground floor and ten (10) feet on upper stories. The second variance request is from §28-312.4.4. (B) which requires windows and doors to make up at least 50% of the length of the first-floor street frontage and at least 60% of the total surface area of the front façade.

RECOMMENDATION:

Staff supports a Board of Zoning Appeals (Board) **approval** with a staff condition.

APPLICATION INFORMATION:	
APPLICANT: Chesapeake Community Development LLC 1332 Donald Avenue, Severn MD, 21144	REPRESENTATIVE: Zachary A. Smith Armistead, Lee, Rust & Wright 114 Bay Street Easton MD, 21601
PARCELS/ACREAGE:	
Parcel Information	Acreage

Map 34, Grid 15, Parcel 77, Lot 1		1.82
ACCEPTANCE DATE: April 26, 2023	LOCATION: Lot 1 Port Street	
EXISTING ZONING Mixed Use Waterfront (MXW)	EXISTING LAND USE: Vacant	
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE: Residential	

CONTEXT:

Location/Site Access – The subject property is located at the corner of Meadow Drive and Port Street. The property is bordered by an existing multi-use trail to the east and a future multi-use trail to the north.

Existing Conditions – The subject property is vacant and can generally be described as approximately 1.8 acres of forest and non-tidal wetlands.

Surrounding Properties –

	Land Use	Zoning District(s)	Future Planned Land Use
North	Park	MXW	Residential
South	Residential	R-7A	Residential
East	Vacant	MXW	Commercial
West	Vacant	MXW	Residential

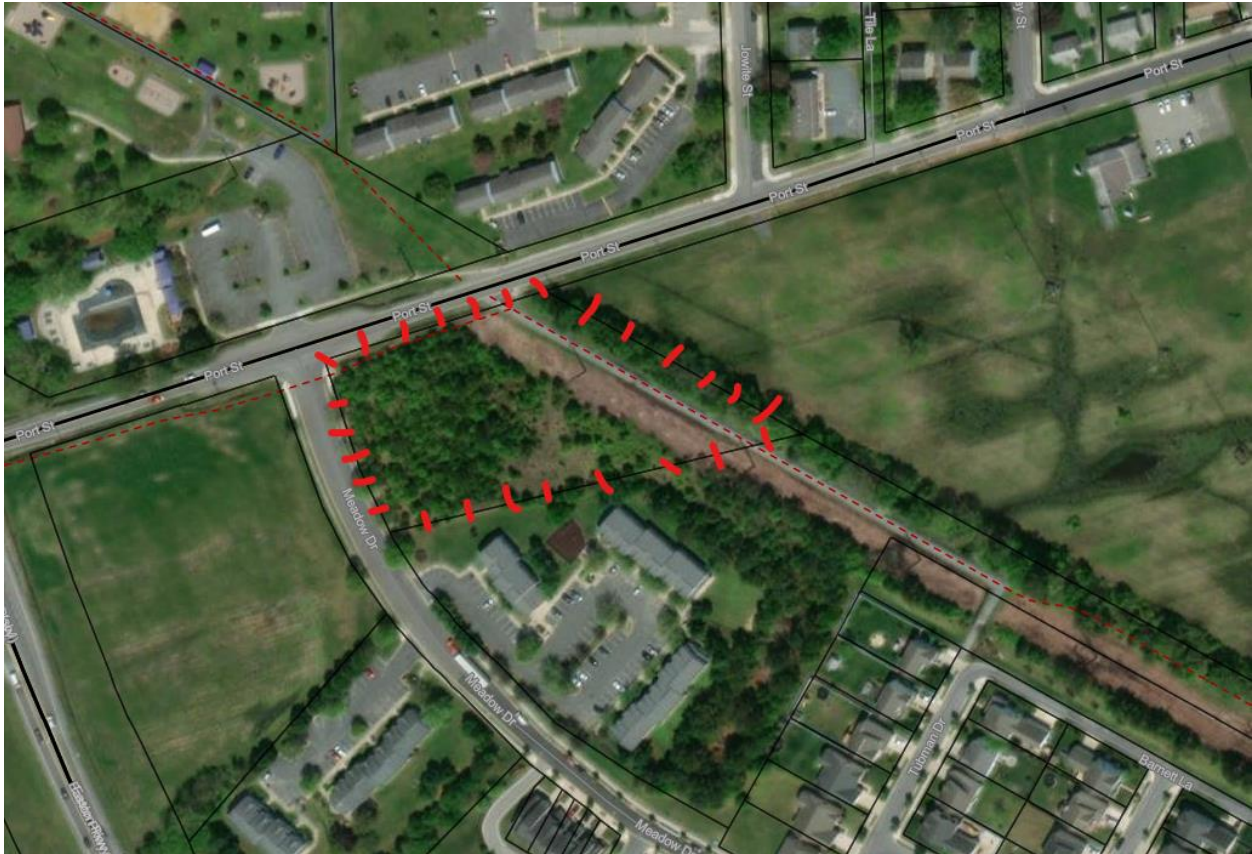


Figure 1: Vicinity Map

PROPOSAL: Chesapeake Community Development LLC, the applicant, is proposing to construct a multi-use structure consisting of residential units, a community hub, behavioral health suites, and offices. The applicant has submitted the following:

- Narrative
- Architectural Renderings
- Site Plan
- Deed

BACKGROUND: The MXW Zoning District was created in 2019 based on the recommendations of the Easton Point small area plan which was adopted in 2017. The MXW Zoning District has detailed, prescriptive architectural requirements that are not found in the Town's other zoning districts (with the exception of the Regional Healthcare District). The architectural requirements cover topics including but not limited to window size/placement, materials, energy efficiency, and building massing. The architectural standards were written for anticipated redevelopment with mixed-use structures to include ground floor commercial retail in mind; at the time the adoption and application of the MXW zoning district was only applied to the Easton Point waterfront area west of the Parkway. In 2021, the MXW Zoning District was expanded to include parts of Port Street east of the Easton Parkway (See Figure 2)

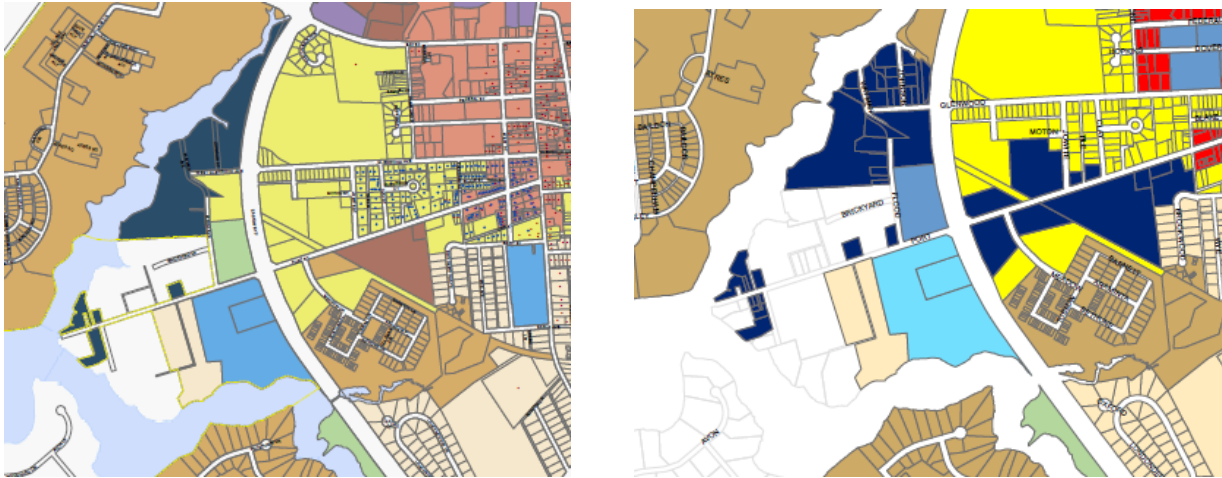


Figure 2: 2020 and 2021 Zoning Maps

When the MXW was extended across the Easton Parkway, the Zoning Ordinance was never updated to reflect this area's designation in the Easton Point small area plan as “Enhanced Gateways, Cultural and Innovation Centers.” For this reason, architectural standards that are designed for multi-story mixed use buildings with commercial retail on the ground floor are still the only standards found in the MXW Ordinance.

This project is the first site plan to be reviewed against the MXW requirements. Site plan review began for this project in 2022 when it first came before the Easton Staff Development Review Board (ESDR). In May of 2022, the project went before the Planning Commission and it was discovered that a Zoning Text amendment regarding setbacks from the Easton Rail Trail was needed to make the project possible. The sketch site plan was approved by the Planning Commission on October 20, 2022 after the text amendment was passed by the Town Council. In accordance with § 28-312.4 (B) which states “the Planning and Zoning Commission shall focus their review on the more general architectural issues such as the appropriateness of the theme or style proposed, the general massing, shape, size, form and orientation of the buildings”, the architecture was approved by the Planning Commission. Once the building permit was received, the more detailed architectural standards were reviewed by staff in accordance with § 28-312.4 (B) which states “The appropriateness of more detailed issues, such as materials and product specifications, shall be verified by Town staff.” At this time, the issues brought before the Board were identified as well as other issues which have since been resolved.

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;

Analysis – It is in the interest of the public to allow this structure since it will provide valuable community services and affordable housing. The Planning Commission determined that the use itself and the general architecture of the building are in harmony with the goals of the Zoning

Ordinance and the Easton Point small area plan. The Planning Commission did not raise any concerns regarding the layout of the doors and windows at the sketch site plan review level. The granting of this application would not be detrimental to the public welfare since these dimensional requirements only affect the layout of doors and windows on a small portion of the building.

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.

Analysis – When the MXW was expanded to encompass this property and others along Port Street, the architectural standards were not updated to accommodate the uses envisioned by the small area plan for this area. The current standards are typical of multi-story mixed use commercial buildings (such as the one shown in Figure 3) but are arguably not appropriate for a community hub and behavioral health facility. The requirement regarding the amount of frontage dedicated to windows and doors presents a practical difficulty to the applicant as it would require them to re-design the entire floor plan since an adult changing room is currently located where the MXW’s prescribed design and architectural standards are more conducive for commercial retail or a storefront along Port Street. The increase of the floor to ceiling heights, ideal for commercial retail uses, would also change the architecture that was approved by the Planning Commission since the entire building would increase in height.



Figure 3: Typical Mixed-Use Commercial Structures showing appropriate commercial retail tenant space

RECOMMENDED CONDITION:

Staff supports the following condition should the Board of Zoning Appeals approve the variance requests:

1. Prior to building permit approval, the proposed development will be evaluated for conformance to all applicable MXW zoning district requirements, including architectural standards.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals **approve** Variance 932 as submitted with staff's condition.

OR

2. I move that the Board of Zoning Appeals deny Variance 932 based on the following findings...

OR

3. I move an alternate motion.

Exhibit 'E'

THE STAR DEMOCRAT - ONE TIME - SUNDAY, APRIL 30, 2023

NOTICE

Notice is hereby given that Zachary A. Smith on behalf of Chesapeake Community Development LLC has filed Application V-932 / V 23-07, pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton, to request a variance from Section 28-312.4.1.A, the minimum floor-to-ceiling height of 14' at ground level and 10' for upper stories. A variance is also requested from Section 28-312.4.4.B, to permit windows and doors to cover at least 41% of the length of the ground floor of the front elevation, and at least 23% of the surface area of the front elevation. This building known as the Arc at Port Street will include a community hub, a behavioral health suite with office and training spaces, and will also provide affordable and workforce housing for low and moderate income households. This project has already received site plan approval by the Easton Planning Commission.

The property is located at Port Street and identified as Tax Map 34, Parcel 77, Lot 1, Easton, Maryland and is situated in the MXW – Mixed-Use Waterfront District. The property is owned by Chesapeake Community Development LLC. 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 Tuesday, May 16, 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.

APG Media of Chesapeake, LLC

29088 Airpark Drive
Easton, MD 21601

Phone: Fax:

INVOICE
04/27/23

Cust. AcctID:	Creation Date: 04/27/23
	Ad Date: 04/30/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3020712
Company: TOWN OF EASTON (L)	Words: 254
Address: PO Box 520	Lines: 27
EASTON, MD 21601	Agate Lines: 84
	Depth: 3.5
	Inserts: 2
	Blind Box:
Telephone: (410) 822-2525	
Description: Application V-932 / V 23-07	

Other Charges:	\$0.00	Total:	
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	
Credits:	\$0.00		
Bill Depth:	3.5	Amount Due:	

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts
The Star Democrat	04/30/23	04/30/23	1

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

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EASTON BOARD OF ZONING APPEALS

3020712 SD

4/30/2023

Exhibit 'F'



TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

NOTICE OF APPLICATION SUMMARY

2023-05-16

V-932 / V 23-07

Applicant notified of hearing date: Email: 2023-04-28 – 18 days

Exhibit A: Application – 2023-04-25 – 21 days

Exhibit B: Paid Receipt – 2023-04-25 – 21 days

Exhibit C: Picture of Property Sign Posting – 2023-05-01 – 15 days

Exhibit D: Staff Report – 2023-05-05 – 11 days

Exhibit E: Public Advertisement

Advertisement sent to the Star Democrat: 2023-04-27– 19 days

Advertisement run in Star Democrat: 2023-04-30 – 16 days

Exhibit F: Notices

Applicant Hearing Letter: 2023-04-28 – 18 days

400' Notices Distributed: 2023-05-01 – 15 days



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

April 28, 2023

Zachary A. Smith
Armistead, Lee, Rust & Wright, P.A.
114 Bay Street, Building C
Easton, MD 21601

Re: **Application No. V-932 / V-23-07**
Port Street - The Arc Central Chesapeake
Tax Map 034, Grid 015, Parcel 0077, Lot 1
Easton, MD 21601

Mr. Smith:

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, May 16th 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
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

May 1, 2023

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, May 16, 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 Zachary A. Smith on behalf of Chesapeake Community Development LLC has filed a variance application pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton, to request a variance from Section 28-312.4.1.A, the minimum floor-to-ceiling height of 14' at ground level and 10' for upper stories. A variance is also requested from Section 28-312.4.4.B, to permit windows and doors to cover at least 41% of the length of the ground floor of the front elevation, and at least 23% of the surface area of the front elevation. This building known as the Arc at Port Street will include a community hub, a behavioral health suite with office and training spaces, and will also provide affordable and workforce housing for low and moderate income households. This project has already received site plan approval by the Easton Planning Commission.

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

Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov