



Board of Zoning Appeals MEETING AGENDA

Tuesday, January 16, 2024 - 10:00 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 December 19, 2023 meeting.

3. Applications

- a. **Application:** V-004 / V 24-01
Applicant: Curtis and Tricia Kubick
Location: 719 Howard Street
Tax Map 103, Grid 0EA, Parcel 0861
Zoning District: R-10A
Request: Variance request pursuant to Section 28-1303.5.C of the Zoning Ordinance of the Town of Easton, to obtain a variance from Section 28-1006.D.1, the maximum height for fences in any front yard. The applicant is proposing to replace the existing non-conforming 6' wooden privacy fence. The replacement of any non-conforming structure must meet all minimum requirements of the Zoning Ordinance, or receive approval for a variance from the Board of Zoning Appeals.

4. Discussion Item

5. Adjournment



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

Tuesday, December 19, 2023 at 9:00 a.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton Maryland

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

Attendance:

Board Members:

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

Absent:

Staff:

Nicholas Johnson, Planner

26

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Samantha Smith, Administrative Specialist

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

2. Decision Summary Review —

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

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

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

- b. Approval of the Draft Decision Summary from the October 24, 2023 hearing for Aspire Apartments.

Vice Chairman Molchan moved to approve the October 24, 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. **File No.:** SE - 1028 / SE 23-10
Applicant: Lane Engineering LLC
Location: 29315 Dover Road, Easton, MD 21601
Tax Map 105, Grid 000, Parcel 2844, Lot 3
Zoning: CG
Request: The applicant is seeking a special exception from the following section of the Zoning Ordinance: Section 28-201 of Permitted Uses (Table 2.1 (2) (232)) to be utilized as an Animal Hospital or Veterinary Clinic in the CG zoning district. The applicant is seeking to expand the existing single-story clinic with a proposed two-story 1,285 square foot addition and additional parking. This request is a Major Modification to the previously approved special exception for an animal hospital/ veterinary clinic granted on September 15, 2020. At their October 19, 2023 meeting, the Planning Commission approved the sketch site plan for the proposed addition with the condition that the stormwater management shall be addressed if the Limit of Disturbance exceeds 5,000 square feet.

Staff Presentation:

Miguel Salinas, Director of Planning and Zoning
Joseph Mayer, Plan Reviewer

Applicant Presentation:

Brittany Wallace, Lane Engineering LLC

Public Comment — None

Chairman Cotter moved to approve the Special Exception request as presented and to adopt findings consistent with those submitted in writing by the Applicant (Exhibit A) subject to compliance with all other applicable use and permit requirements by the Town. Vice Chairperson Molchan seconded the motion.

98 Vote 3 - 0
99 FOR: 3 - Cotter, Molchan, Krebeck
100 AGAINST: 0
101 ABSTAIN: 0
102 ABSENT: 0
103
104

105 **4. Discussion Item** — None.
106

107
108 **5. Adjournment** — Chairman Cotter motioned to adjourn. Vice Chairman Molchan
109 seconded. The meeting was adjourned at 9:13 a.m.

Exhibit 'A'



TOWN OF EASTON
PLANNING AND ZONING
14 SOUTH HARRISON STREET, EASTON, MD 21601

RECEIVED
DEC 08 2023
TOWN OF EASTON

BOARD OF ZONING APPEALS APPLICATION

APPLICATION TYPE



VARIANCE



APPEAL



SPECIAL EXCEPTION

PROPERTY INFORMATION

ADDRESS	719 Howard Street, Easton, MD 21601						
TAX MAP	103	GRID	0EA	PARCEL	0861	LOT	73 Third Section
DEED REFERENCE	LIBER	1999	FOLIO	040			
PLAT REFERENCE	LIBER		FOLIO				
EXISTING USE	Home						
ZONING DISTRICT	R-10A						

HISTORIC DISTRICT Y ☐ N ☐ Planned Redevelopment District Y ☐ N ☐

OWNER

NAME	Curtis & Tricia Kubick		
MAILING ADDRESS	719 Howard Street, Easton, MD 21601		
TELEPHONE NO.	240-508-4013	EMAIL	curtis.idcdata@gmail.com

APPLICANT OR AGENT

NAME	Curtis & Tricia Kubick		
MAILING ADDRESS	719 Howard Street, Easton, MD 21601		
TELEPHONE NO.	240-508-4013	EMAIL	curtis.idcdata@gmail.com

Surveyor / Engineer

NAME			
License Number and Expiration			
MAILING ADDRESS			
TELEPHONE NO.		EMAIL	

REQUEST DETAILS

SUBJECT TO PREVIOUS BOZA APPLICATION Y ☐ N ☒

ZONING ORDINANCE SECTION

☐ INCLUDE ALL REQUIRED ITEMS FROM THE APPLICABLE CHECKLIST

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	<i>Curtis Kubick and Tricia Kubick</i>	
Date	12/7/2023	
PRINTED NAME OF APPLICANT OR AGENT	Curtis Kubick / Tricia Kubick	

For Office Use Only

Project Number	V 24-01	Fee Received	\$250.00
Application Number	V-004	Application Notification	12/29/2023
Filing Date	12/08/2023	Property Posting Date	12/29/2023
BOZA Hearing Date	01/16/2024	Notice(s) Published	12/29/2023
If ESDR, Date			

Revised 11-2023

Variance Findings of Fact

1. Would the granting of the Variance you have requested impede or in any way be detrimental to satisfying any of the following objectives of the Zoning Ordinance:
 - help accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
 - promote health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, and the promotion of the healthful and convenient distribution of population;
 - encourage and, where necessary, require land use development and uses which exemplify good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
 - encourage the conservation of resources, including a reduction in resource consumption;
 - locate development in locations suitable for it given existing and reasonably foreseeable development; and
 - Encourage appropriate and sustainable economic growth.
2. Describe how the proposed variance will be in harmony with the Town's Zoning Ordinance, Comprehensive Plan, and any applicable small area plans.
3. Describe how the proposed variance will not be harmful to the neighborhood or endanger public safety, health, or welfare.
4. What conditions are peculiar to the property? (i.e., an unusual or extraordinary circumstance regarding your property that warrants a variance being granted.)
5. Did you (the applicant) take any action that resulted in the need for a variance to be granted?
6. Please describe how a literal enforcement of the Ordinance you are requesting a variance from as written would place a practical hardship or difficulty upon you.

1. Based on question one, I can see no way that granting this variance would do anything to negatively affect the community. On the contrary, it will make the pool safer by making sure that children aren't able to easily enter our backyard. It will make the home more attractive using long lasting materials that do not leach out in the rain. It will have a positive effect on home value and protect the Chesapeake Bay because we can finally stop using gallons of stain and sealant every year.
2. We included eight sets of photos showing other corner lots on my street or adjacent streets that have solid 6 foot fences without lattice so nothing we would erect would look out of place.
3. People driving down Calvert Street won't be distracted by what's going on in our yard as they approach a busy intersection. With a 4 foot fence or a fence with lattice they will be able to regularly see people swimming, sunbathing and cooking out. There are a lot of children living across the street that could easily climb a 4 foot fence and get into the pool and drown.
4. Anything but a solid 6 foot privacy fence would be a safety hazard. We are on a corner lot with a lot of traffic. We would have no privacy. We have a lot of noise coming from the businesses, Rt. 50 and the neighborhood. Kids can see right into our yard and may try getting in and swimming. We have a crime problem in that area. I want to protect my family from prying eyes. I mentioned in my letter just a few of the incidents. I have had to call the police numerous times and confront people urinating in my yard.
5. I applied for a permit to replace the existing 6 foot wood privacy fence with a 6 foot vinyl privacy fence. We hired Long Fence to install it and they asked us to apply for a permit. We didn't expect there to be an issue since this type of fence has been there for at least 40 years.
6. I would feel that the neighborhood safety would be at risk due to the ease with which someone can use the lattice to aid in climbing the fence. I would not feel safe living here without a full privacy fence. There is way too much crime. The businesses have brought transients, child molesters and drug addicts right to our home. This is not an exaggeration. People park next to my home and drink or use drugs on a regular basis. The noise from the businesses and Rt. 50 and Calvert Street would make it miserable to be outside. People would be able to look into our backyard at my wife and daughters sunbathing by the pool. Nothing about this ordinance would be a good fit for our home or situation.

We purchased our home in 2012 with an existing 6 foot tall wood privacy fence. We would not have purchased this house without a privacy fence. We simply wanted a permit to replace the rotting existing 6 foot wood fence with something more durable and desirable.

Our home is located less than 200 feet from a McDonalds that is open from 5:00 AM – 1:00 AM or midnight every day. I can see both the drive thru and the building from my yard. Their lights are on 24 hours a day. It is busy all day and night. I have witnessed fights, loud music and public urination during the afternoon.

I have had to install cameras facing Calvert street, our backyard and facing the front (Howard Street) due to the crime that we have been victims of. We have had cars vandalized. I have found people parked on Calvert street next to my home shooting Heroin and smoking crack/Meth. I even had to intervene when a child was being sexually molested in a vehicle on Calvert Street.

Our home is less than 300 feet from route 50 (a 4 lane highway). You can see the Arby's on the other side of Rt 50 from our yard. We hear trucks and motorcycles day and night and it is obviously worse in the summer, which is also when we spend the most time outside.

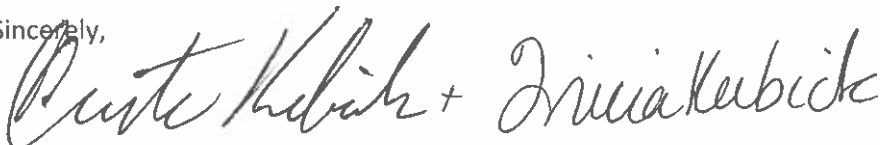
We are only two houses from the Royal Farms which is open 24-7 and unfortunately has brought a lot of undesirable people on foot right past our house (not to mention the automobile traffic). I have seen the same person that was passed out against the car wash walk back through my yard hours later. There have been numerous instances like this.

There is also a brick & block business on our street. Between that business, the Royal Farms & McDonalds we have 18 wheelers going up and down our street frequently.

There is a row of apartments across the street with windows that look directly into our back yard. We have a pool and my wife and young daughters don't want people being able to look through a fence at them. Honestly, neither do I.

If this is not enough to persuade you I brought pictures of about a dozen homes around town – eight on streets next to mine, that don't follow this ordinance. Hopefully they came to you with the same noise, safety and privacy concerns and were approved.

Sincerely,

A handwritten signature in black ink that reads "Curtis Kubick + Tricia Kubick". The signature is written in a cursive, flowing style.

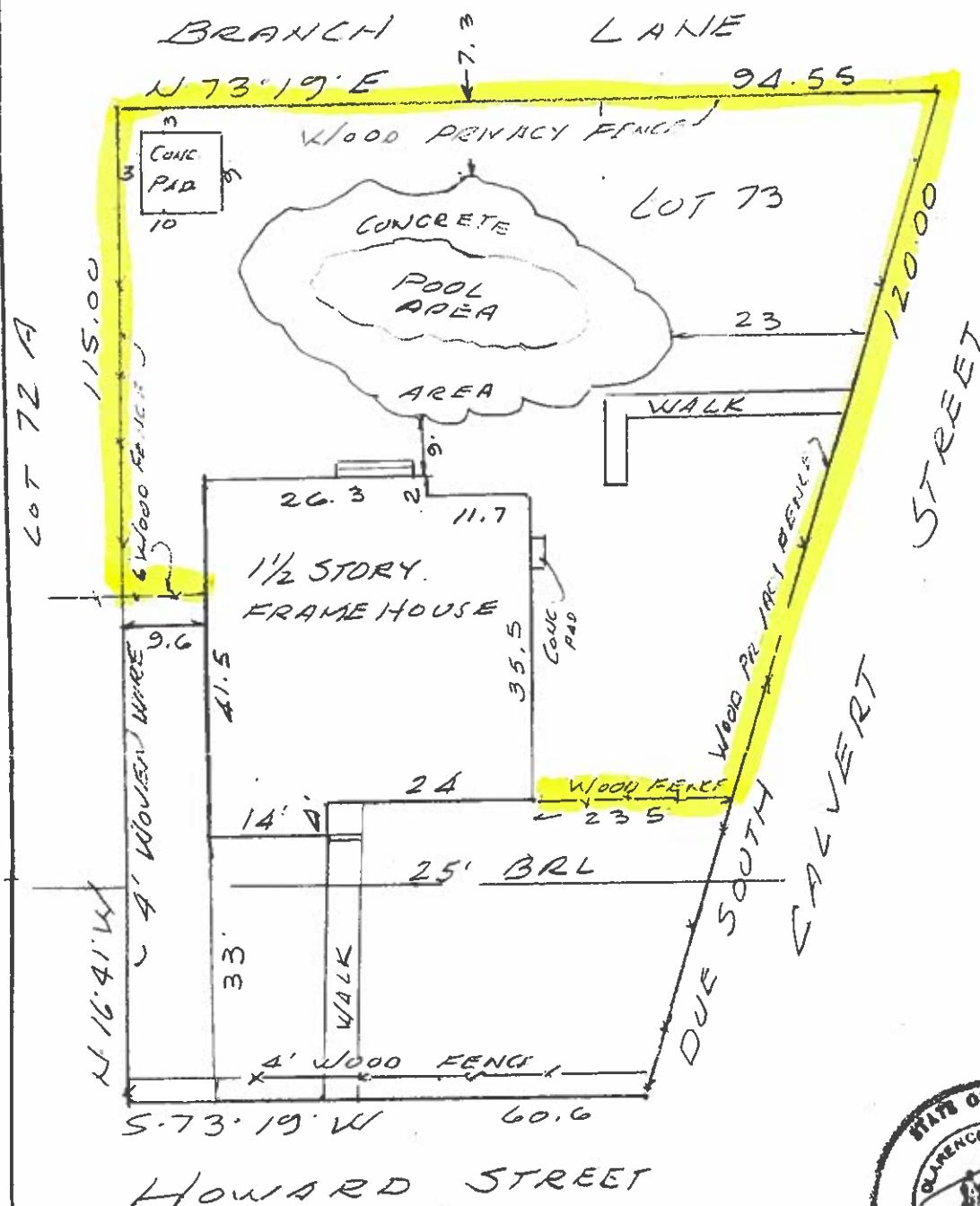
Curtis and Tricia Kubick
719 Howard Street
Easton, MD 21601

2
I.....

Date SEPT. 28, 1984

of these

719 HOWARD STREET
EASTON MD. 21601



The distances shown from the improvements to the property line may vary 2 feet or more if an actual boundary survey was prepared.

Subdivision for the purpose of locating the improvements, and the improvements are located as shown.

Charles H. Miller..... 4/23/12
 Charles H. Miller, Date:

Reg. Prof. Switzer No. 4011

What recorded in 13

Julia No. 10 Plat No.

Serial = 20 W.O. No. 1213681

THIS PLAT IS NOT INTENDED TO BE USED FOR
THE PURPOSE OF ESTABLISHING PROPERTY LINES



Land Surveys Inc.

P.O. Box 307
Bartow, Maryland 21020

Office: (410) 820-5112

FAX (410) 820-5105

AFTER RECORDING, PLEASE RETURN TO:

Tricia L. Roe

719 Howard Street, Easton, Maryland 21601

Champion Realty Title

File No. 12764NS

Tax ID # 01-006681

49.00
20.00
2,640.00
1,700.00
1,150.00
5,500.00
Ref: 1402
MAY 16 2012
JUL 09, 2012
02:47 PM
TAX PD SIRE
RECORD FEE
RECORDATION
TR TAX COUNTY
TR TAX STATE
TOTAL
Recd: 1402
MAY 16 2012
JUL 09, 2012
02:47 PM

This Deed, made this 29 day of June, 2012, by and between **Kim M. Krasko**, party of the first part, Grantor, and **Tricia L. Roe**, party of the second part, Grantee.

- **Witnesseth** -

That for and in consideration of the sum of Two Hundred Twenty Thousand Dollars 00/100 (\$220,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Tricia L. Roe, Grantee, as sole owner, his or her Personal Representatives and assigns, 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 that lot of ground situate in the Town of Easton, County of Talbot, State of Maryland, described as follows to wit:

Lot Seventy-Three (73) on a Plat entitled "Map of a Portion of Third Section - Calvert Terrace Sub-Division Property of Howard C. Eley, Easton, Maryland, Scale 50' to 1", April, 1959", made by Kastenhuber and Anderson, Civil Engineers and Surveyors, and recorded among the Plat Record Books of Talbot County in Liber 13 at folio 10, and more particularly described as follows, to wit: BEGINNING for the same at a monument stone set on the Northwestern corner of Howard Street and Calvert Street and running from thence with the Northerly side of Howard Street, South 73 degrees 19 minutes West, 60.6 feet to the Southeast corner of Lot 72A as shown on the above mentioned plat; thence running with the Easterly boundary of said Lot 72A, North 16 degrees 41 minutes West, 115 feet to the Southerly side of Branch Lane; thence running with the Southerly side of Branch Lane, North 73 degrees 19 minutes East, 94.55 feet to a monument stone set on the Southwesterly corner of Calvert Street and Branch Lane; thence running with the Westerly side of Calvert Street, Due South, 120 feet to the place of beginning.

SUBJECT to the conditions and restrictions set forth in Deed from Howard C. Eley, et ux., to Philip Gibson Haddaway, dated July 1, 1960, and recorded among the Land Records of Talbot County, Maryland, in Liber 363 at folio 602.

The improvements thereon being known as 719 Howard Street.

BEING the same property which, by Deed dated August 10, 2011, and recorded among the Land Records of Talbot County, Maryland, in Liber No. 1914, folio 155, was granted and conveyed by Federal Home Loan Mortgage Corporation, by its attorney-in-fact, Buonassissi, Henning & Lash, P.C., unto Kim M. Krasko; AND

BEING the same property which, by Substitute Trustee's Deed dated December 22, 2010, and recorded among the Land Records of Talbot County, Maryland, in Liber No. 1874, folio 357, was granted and conveyed by Keith M. Yacko, Substitute Trustee, unto Federal Home Loan Mortgage Corporation.

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.

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 Tricia L. Roe, Grantee, as sole owner, his or her Personal Representatives and assigns, in fee simple.

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

As Witness the hand and seal of said Grantor, the day and year first above written.

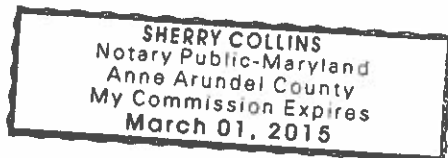
WITNESS:

Sherry Collins Kim M. Krasko (Seal)
Kim M. Krasko

STATE OF MARYLAND }
COUNTY OF Queen Anne's } ss

I hereby certify that on this 29 day of June, 2012, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Kim M. Krasko, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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



Sherry Collins
Notary Public
My commission expires 3/1/2015

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

Edward T. Cohen
Attorney EDWARD T. COHEN, JR.

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

DAVID M. EWING
SUPERVISOR OF ASSESSMENTS
John C. Craig Fin. Officer
PER 7/9/12
LIBER 1995 FOLIO 41

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID
FINANCE OFFICER OF TALBOT COUNTY

John C. Craig Fin. Officer /wcc

DATE 7/9/12

2012

MARYLAND
FORM

Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

Kim M. Krasko

2. Reasons for Exemption

Resident
Status

- ☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal
Residence

- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Sherry Collins
Witness

Kim M. Krasko

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

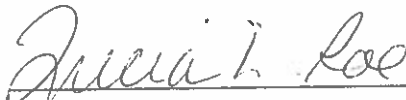
12-49

OWNER OCCUPANCY AFFIDAVIT

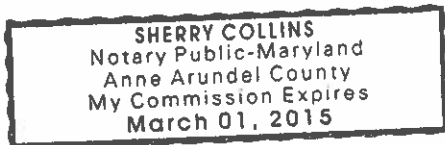
The undersigned states under the penalties of perjury that the contents of this document are true to the best of the knowledge, information and belief of the individual making this statement as follows:

PURSUANT TO THE PROVISIONS OF APPLICABLE STATE, COUNTY AND LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS, THE UNDERSIGNED GRANTEE HEREBY MAKES OATH THAT THE RESIDENCE ON THE PROPERTY DESCRIBED IN THIS DEED WILL BE OCCUPIED BY THE UNDERSIGNED GRANTEE AS THE PRINCIPAL RESIDENCE OF THE GRANTEE.

AS WITNESS OUR HANDS AND SEALS:


Tricia L. Roe

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Maryland, County of Talbot, this 29 day of June, 2012.




Notary Public
My Commission Expires: 31/2015

State of Maryland Land Instrument Intake Sheet

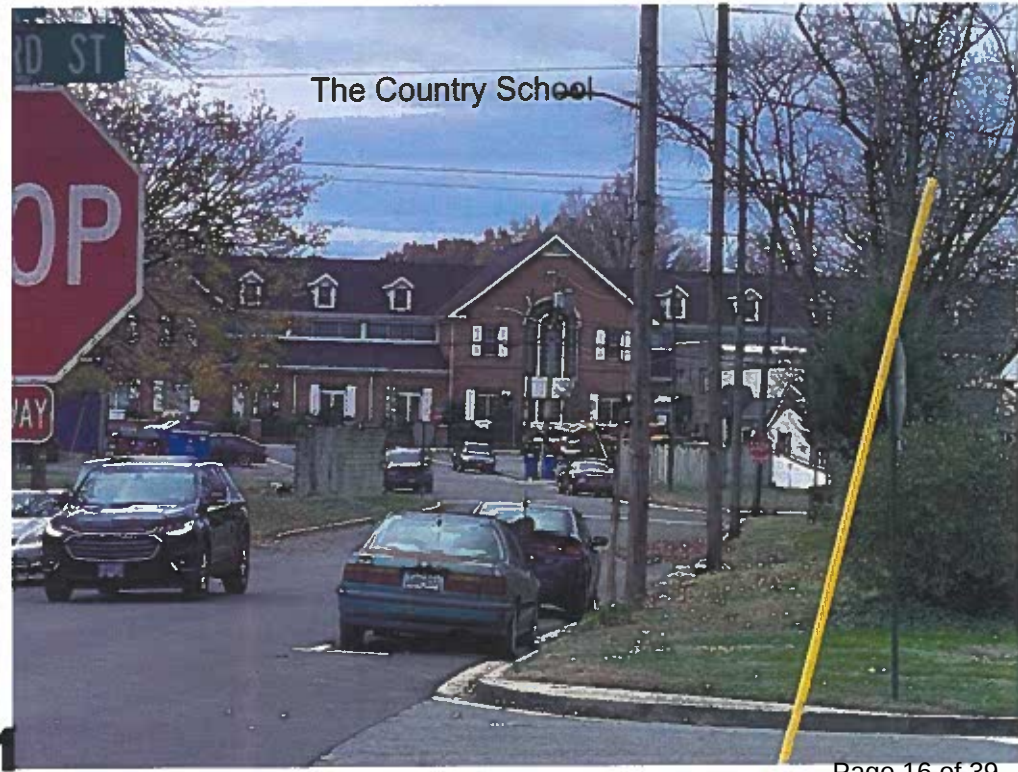
[] Baltimore City [X] County: Talbot

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
(Type or Print in Black Ink Only All Copies Must Be Legible)

1	Type(s) of Instruments	([] Check Box if Addendum Intake Form is Attached.)								
	1	Deed		Mortgage		Other		Other		
	2	Deed of Trust		Lease						
2	Conveyance Check Box	X	Improved Sale		Unimproved Sale		Multiple		Not an Arms-Length Sale [9]	
		Arms-Length [1]		Arms-Length [2]		Arms Length [3]				
3	Tax Exemptions (if Applicable)	Recordation								
		State Transfer purchase								
	Cite or Explain Authority	County Transfer								
4	Consideration and Tax Calculations	Consideration		Amount		Finance Office Use Only				
		Purchase Price/Consideration		\$ 220,000.00		Transfer and Recordation Tax Consideration				
		Any New Mortgage		\$ 197,978.00		Transfer Tax Consideration \$				
		Balance of Existing Mortgage		\$		x () % = \$				
		Other:		\$		Less Exemption Amount - \$				
						Total Transfer Tax = \$				
		Other:		\$		Recordation Tax Consideration \$				
						x () per \$500 = \$				
		Full Cash Value		\$ 220,000.00		TOTAL DUE \$				
5	Fees	Amount of Fees		Doc. 1		Doc. 2		Agent:		
		Recording Charge		\$ 60.00		\$ 0.00		Tax Bill:		
		Surcharge		\$ 0.00		\$ 0.00		C.B. Credit:		
		State Recordation Tax		\$ 2,640.00		\$ 0.00		Ag. Tax/Other:		
		State Transfer Tax		\$ 1,100.00		\$ 0.00				
		County Transfer Tax		\$ 1,700.00		\$ 0.00				
		Other		\$		\$				
		Other		\$		\$				
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map		Parcel No.	Var. LOG		
			01-006681	1914/155				(5)		
		Subdivision Name			Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)	
		Calvert Terrace Sub-Division			73		3			
		Location/Address of Property Being Conveyed (2)								
		719 Howard Street, Easton, MD 21601								
		Other Property Identifiers (if applicable)				Water Meter Account No.				
		Residential [X] or Non-Residential []				Fee Simple [X] or Ground Rent []		Amount: \$N/A		
		Partial Conveyance? [] Yes [X] No				Description/Amt. of SqFt/Acreage Transferred:		N/A		
	If Partial Conveyance, List Improvements Conveyed: N/A									
7	Transferred From	Doc. 1 - Grantor(s) Name(s)				Doc. 2 - Grantor(s) Name(s)				
		Kim M. Krasko				Tricia L. Roe				
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)				Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
8	Transferred To	Doc. 1 - Grantee(s) Name(s)				Doc. 2 - Grantee(s) Name(s)				
		Tricia L. Roe				John Burson, Esq.				
		New Owner's (Grantee) Mailing Address								
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)				Doc. 2 - Additional Names to be Indexed (Optional)				
		719 Howard Street, Easton, MD 21601				Homeservices Lending, LLC				
10	Contact/Mail Information	Instrument Submitted By or Contact Person						Return to Contact Person		
		Name: Chancellor Title						Hold for Pickup		
		Firm: Champion Realty Title						Return Address Provided		
		Address: 711 Bestgate Road, Annapolis, MD 21401								
		Phone: Phone: 410-224-0600 Fax: 410-224-2243								
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER									
	Assessment Information	X	Yes		No	Will the property being conveyed be the grantee's principal residence?				
			Yes	X	No	Does transfer include personal property? If yes, identify: _____				
		X	Yes		No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)				
	Assessment Use Only - Do Not Write Below This Line									
	[] Terminal Verification [] Agricultural Verification [] Whole [] Part [] Tran. Process Verification									
	Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:			
	Year				Geo.		Map	Sub	Block	
	Land				Zoning		Grid	Plat	Lot	
	Buildings				Use		Parcel	Section	Occ. Cd.	
	Total				Town Cd.		Ex. St.	Ex. Cd.		
	REMARKS:									

SHORE ABSTRACT & TITLE SVCS INC.
125 N. WEST ST.
EASTON, MD 21601

LIBER 1999 FOLIO 044



View from my yard toward Country School



View across Calvert Street



View toward left



View from my yard toward Country School





View across Calvert Street



View toward left



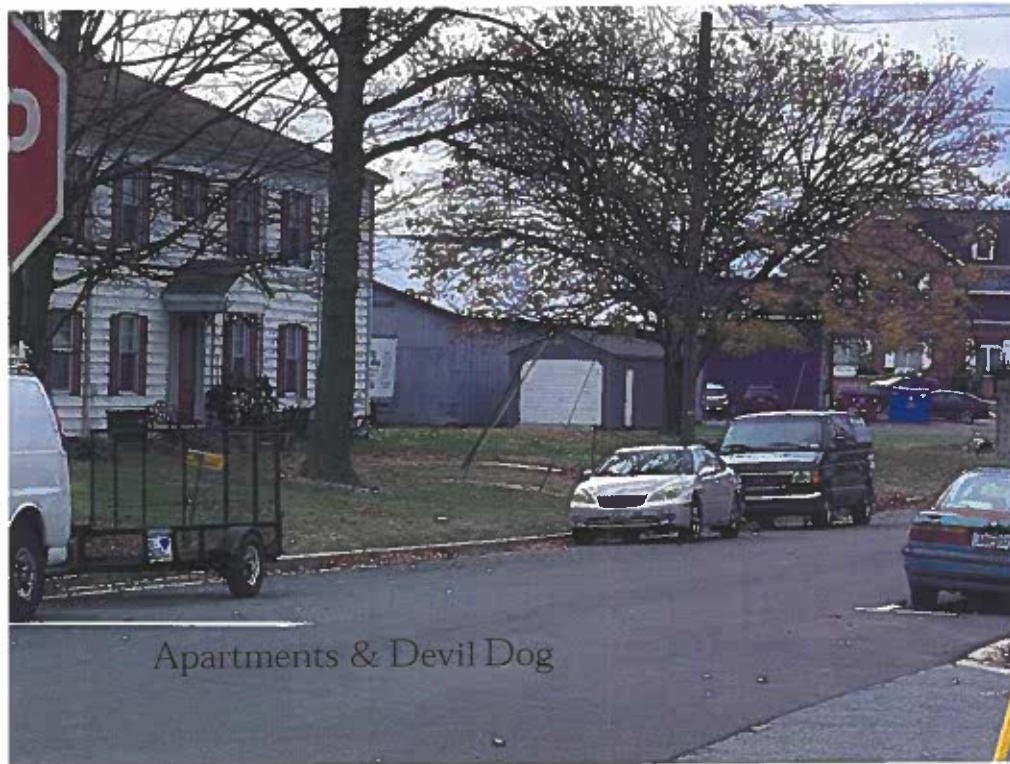
Front view of our home



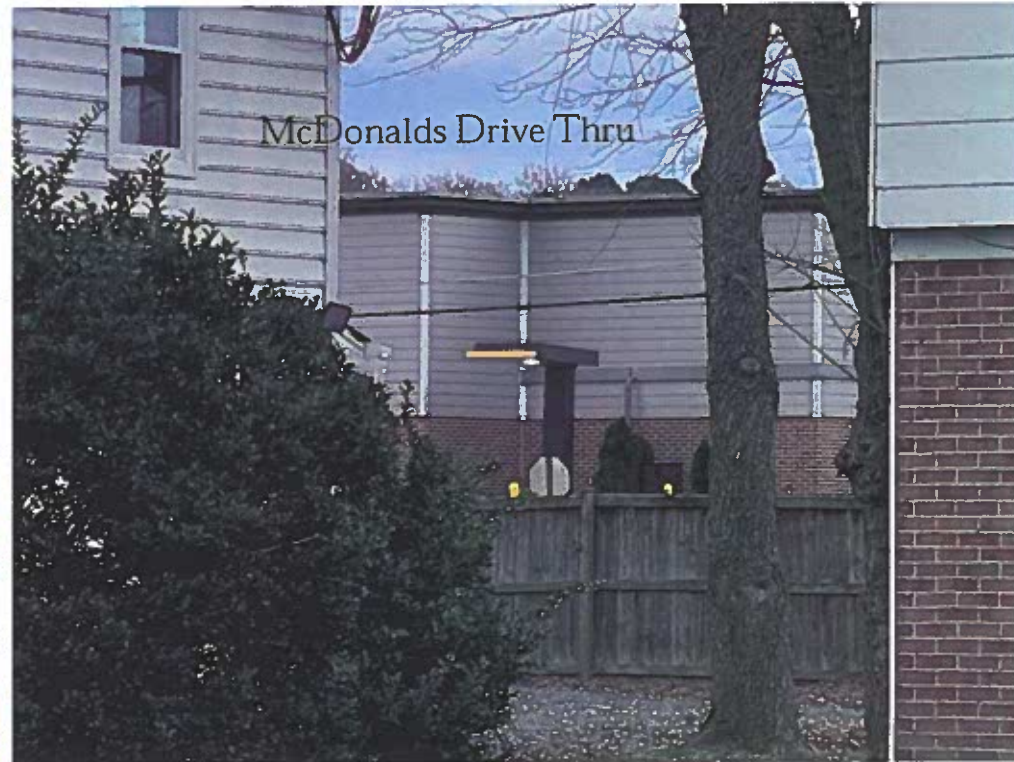
Side view of our home



View of our house from CalvertStreet and Branch Lane



Apartments & Devil Dog



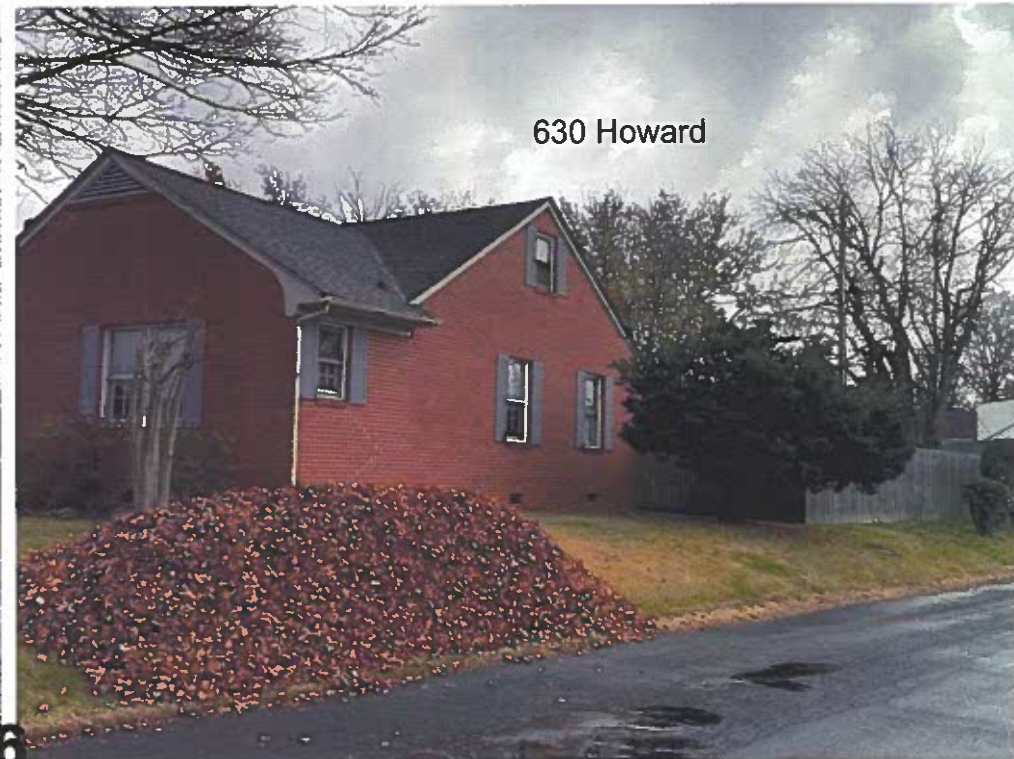
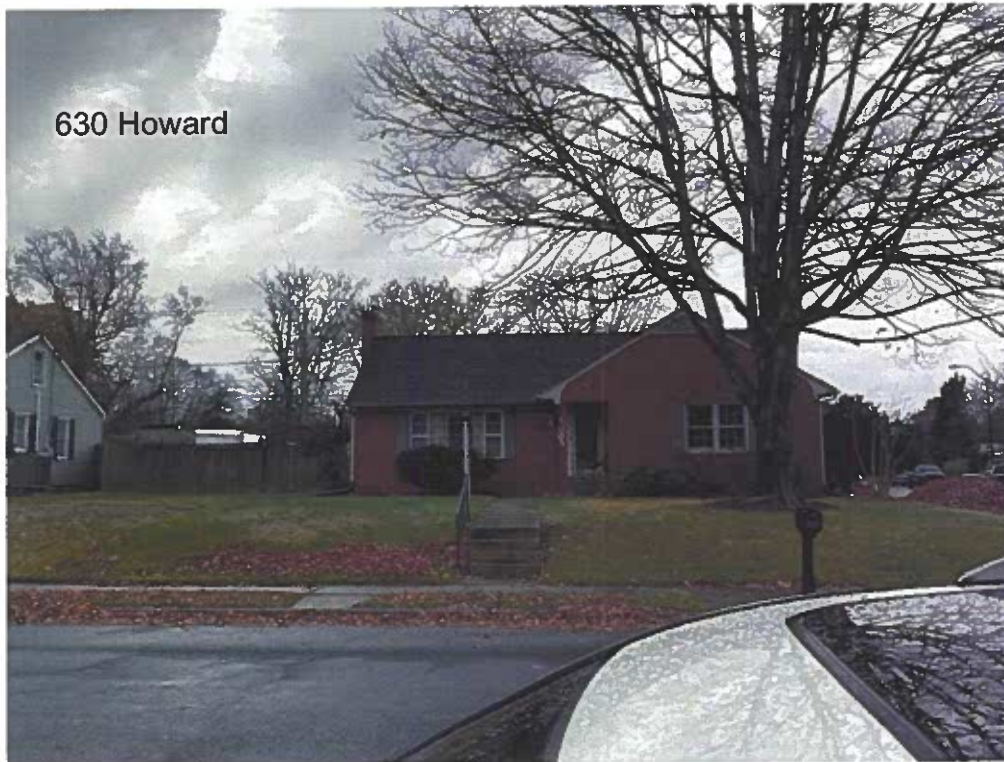
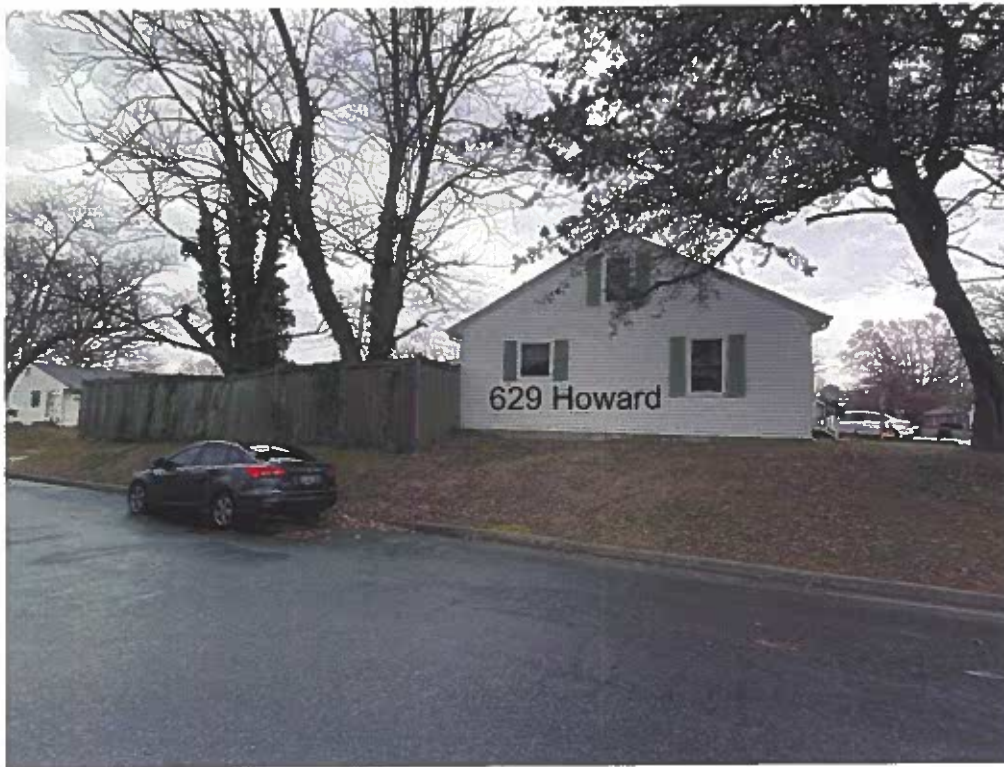
McDonalds Drive Thru



643 Lomax

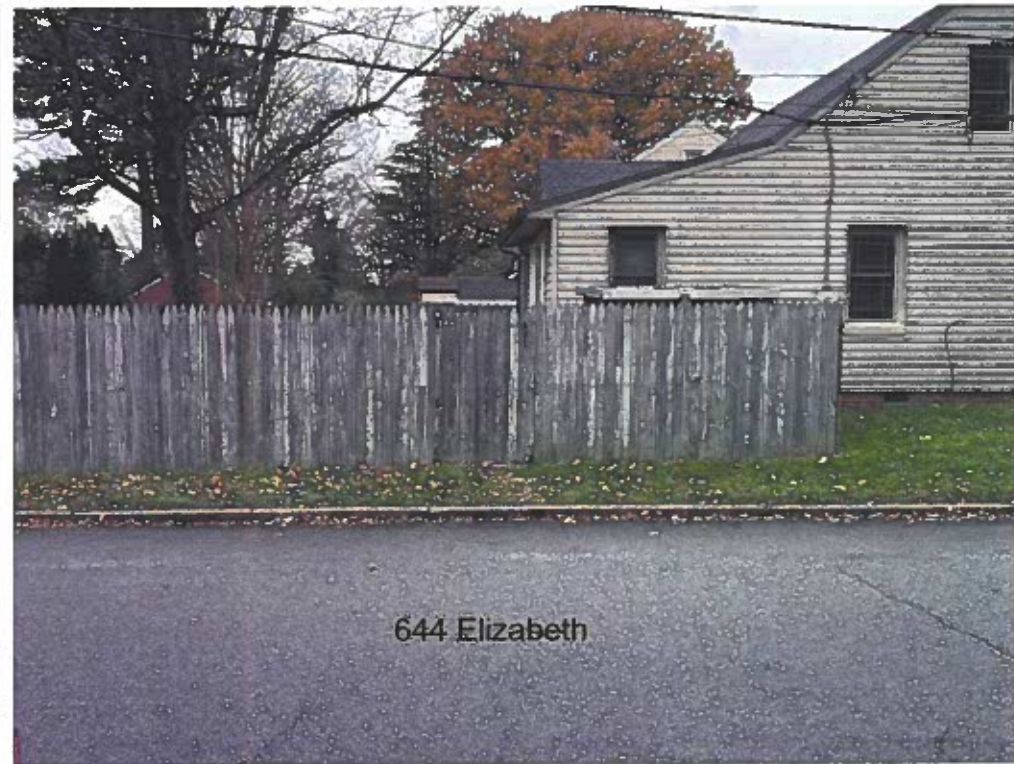


643 Lomax





644 Elizabeth



644 Elizabeth



700 Elizabeth



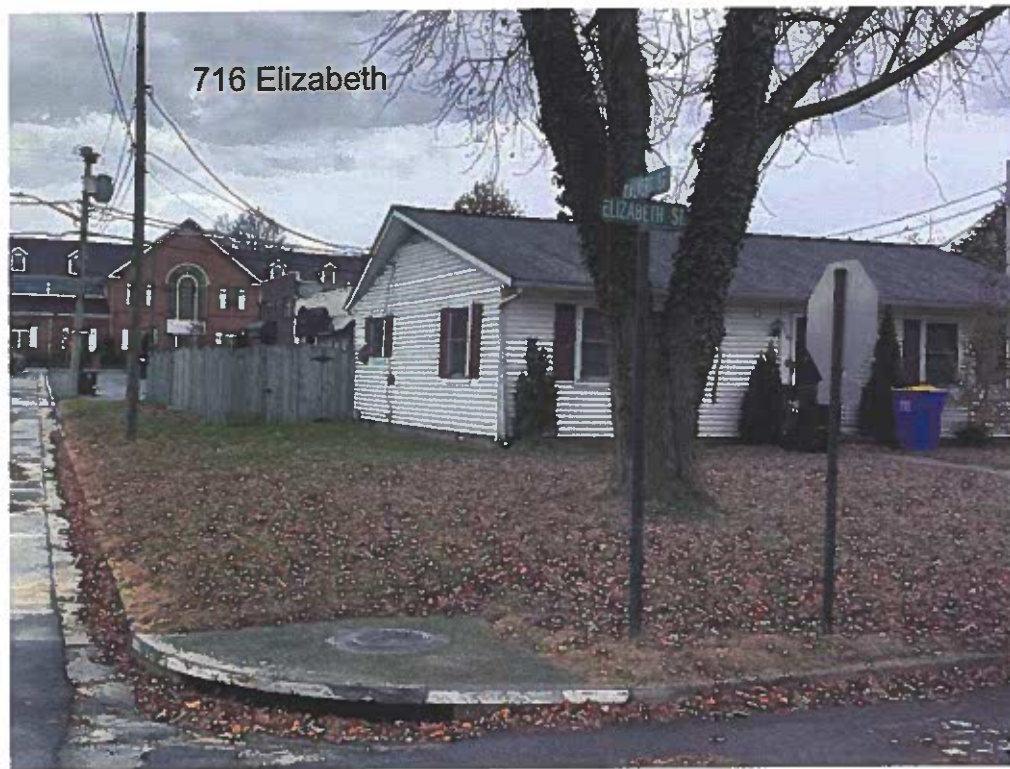
700 Elizabeth



719 Elizabeth



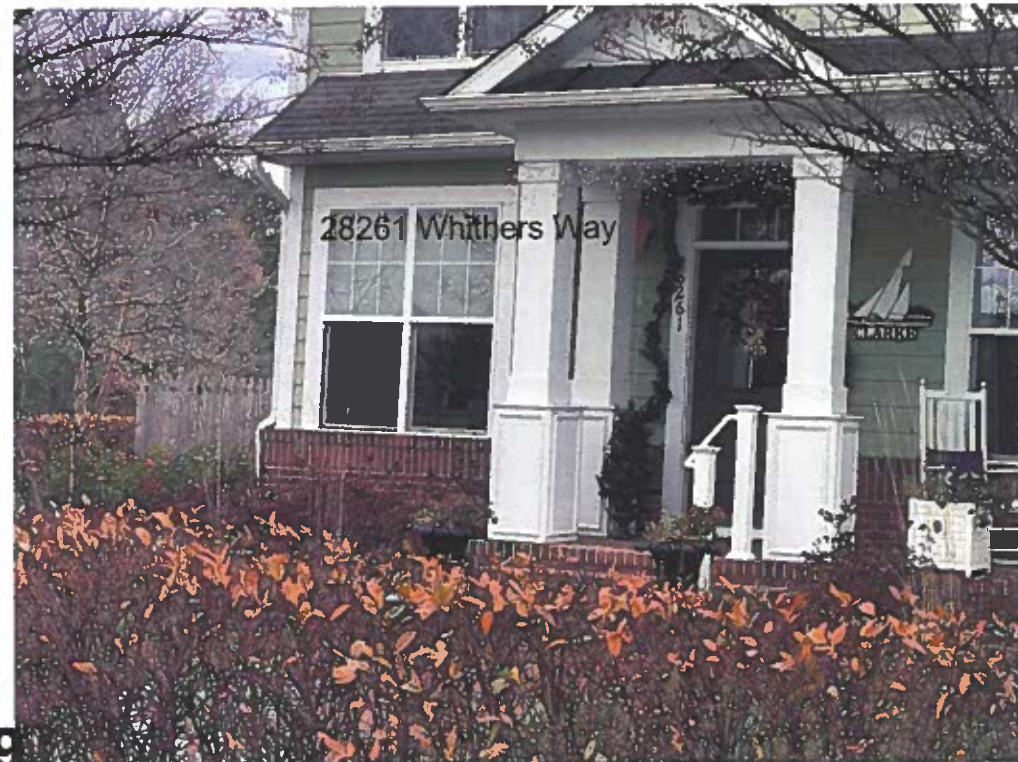
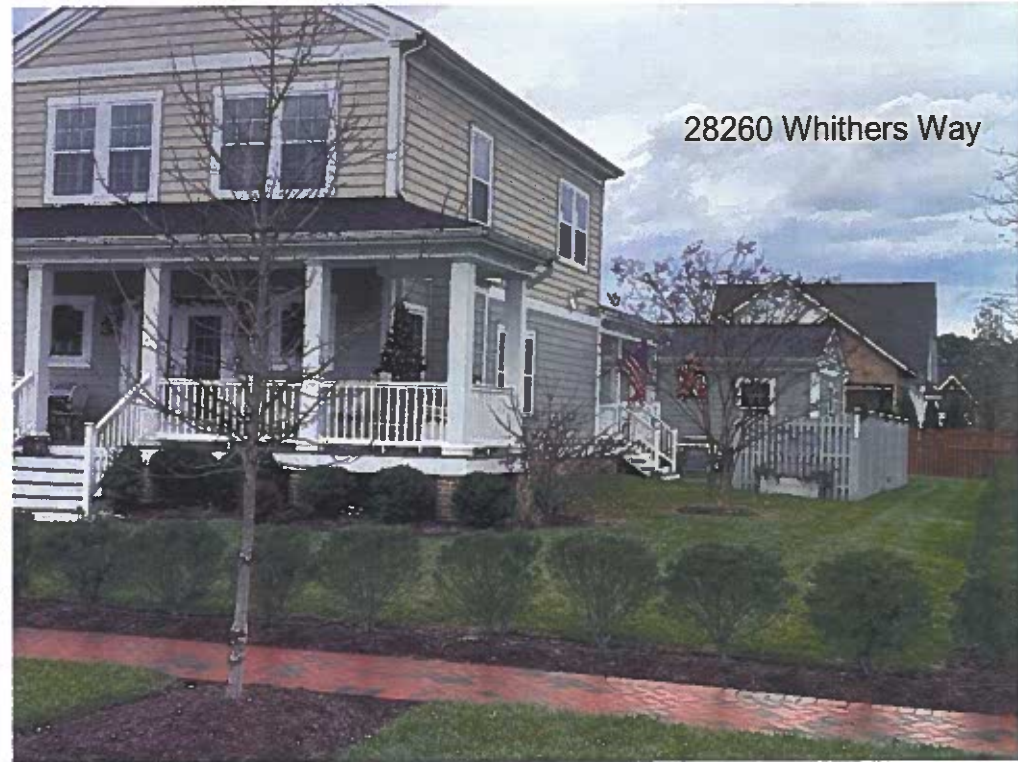
719 Elizabeth

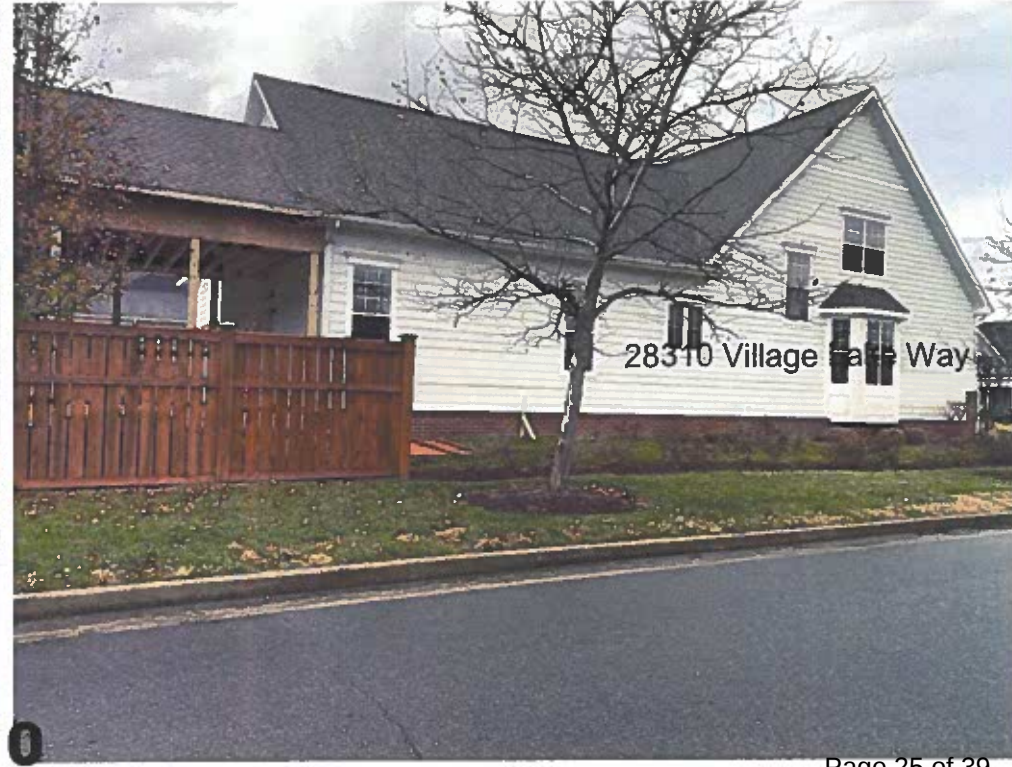


716 Elizabeth



28275 Village Lake Way









Proposed new fence



TOWN OF EASTON
PLANNING & ZONING DEPARTMENT
P.O. BOX 520
Easton, Maryland 21601

Exhibit 'B'

December 18, 2023

Re: Board of Zoning Appeals Application: V-004 / V 24-01
719 Howard Street
Tax Map 103, Grid 0EA, Parcel 0861
Easton, Maryland 21601

Curtis and Tricia Kubick
719 Howard Street
Easton, Maryland 21601

Town of Easton	
12/11/23	15:33 MISCELLANEOUS
PZ 24 0004	
FENCE	
PZ 24-004	
Batch Id. SMOC	
Ref Num: 73 Seq: 22 to 22	
Cash Amount:	250.00
Check Amount:	0.00
Credit Amount:	0.00
Total:	250.00

Exhibit 'C'



Sign posted on December 29, 2023

Exhibit 'D'

Date of Hearing: January 16, 2024

3a

BOARD OF ZONING APPEALS PUBLIC HEARING STAFF REPORT

SUBJECT: **VARIANCE 24-01**

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: Curtis and Tricia Kubick

PURPOSE: The applicant is seeking a variance from §28-1006.D(1) of the Town's Zoning Ordinance to construct a six (6) foot tall vinyl privacy fence within a front yard on a corner lot.

RECOMMENDATION: Staff supports a Board **denial** of this application. Corner lots are a common occurrence throughout Easton and fencing is often installed on such properties without obtaining a variance. A Board approval of this application without additional findings on peculiarities surrounding the property, would set precedent for the approval of fences exceeding four (4) feet in height in all corner lot front yards. If the Planning Commission and Town Council wish to permit fences exceeding four feet in height within corner lot front yards, a text amendment may be a more appropriate approach. The applicant may still construct a fence that is a total of six feet in height and meets the swimming pool barrier requirements without the granting of the variance as requested by installing two feet of non-solid lattice.

APPLICATION INFORMATION:	
APPLICANTS: Curtis and Tricia Kubick	REPRESENTATIVE: N/A

PARCELS/ACREAGE:	
Parcel Information	Square Footage
Map 103, Parcel 861, Lot 73	8,947
ACCEPTANCE DATE: December 8, 2023	LOCATION: 719 Howard Street
EXISTING ZONING R-10A	EXISTING LAND USE: Residential
HISTORIC DISTRICT: No	FUTURE LAND USE: Residential

CONTEXT:

Location/Site Access – The subject property is located at the corner of Howard Street and Calvert Street and is served by a rear alley known as Branch Lane.

Existing Conditions – The subject property contains an existing 1,970 square foot 1.5 -story residence, an in-ground swimming pool, and a small shed. There is an existing six (6) foot tall wooden privacy fence located within the front yard fronting Calvert Street and the two side yards.

Surrounding Properties –

	Land Use	Zoning District(s)	Future Planned Land Use
South	Residential	R-10A	Residential
North	Residential	R-10A	Residential
West	Residential	R-10A	Residential
East	Residential	R-10A	Residential



Figure 1: Vicinity Map

PROPOSAL: The applicant is proposing to construct a six (6) foot tall vinyl privacy fence within a portion of the front yard along Calvert Street (Figure 2). §28-1006.D(1) of the Zoning Ordinance prohibits fences from exceeding four (4) feet in height within any front yard. The yard fronting Calvert Street is considered a front yard based on the Zoning Ordinances definition of a corner lot as having;

“two fronts, two sides and no rear for the purpose of meeting setback requirements.” §28-114

The Zoning Ordinance further defines a front yard on a corner lot as an area “parallel to all streets.” 28-114.

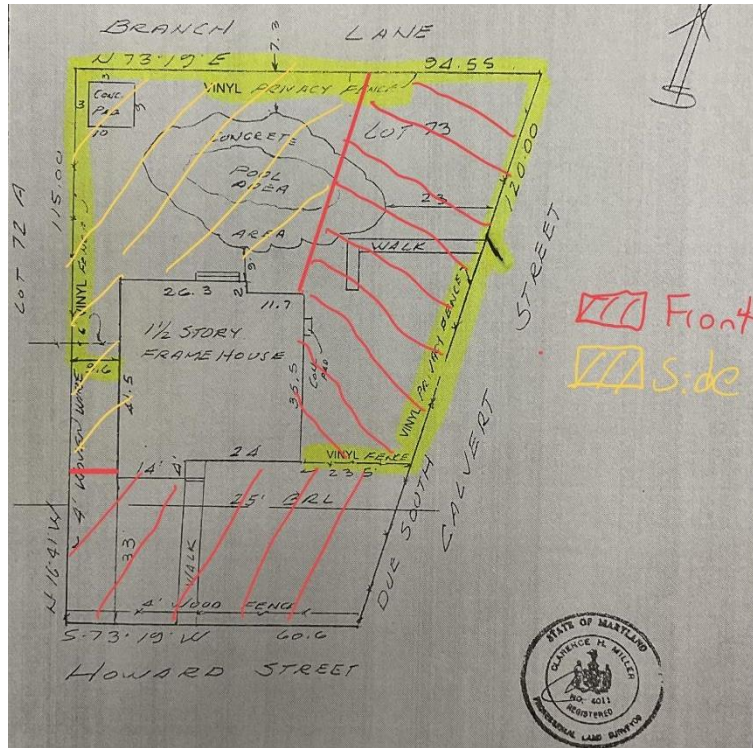


Figure 2: Setback Determination

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 – Ensuring that the existing swimming pool is adequately screened and protected is in the public's interest in regards to safety. With that said, the 2015 International Swimming Pool and Spa Barrier Requirements considers an appropriate barrier as being not less than 48" (4 feet) above grade. The intent of the four-foot height requirement for fencing within front yards is mainly related to aesthetics and has been in the Zoning Code since at least 1993. To provide added privacy while still preserving the aesthetic of a front yard, the Zoning Code permits an additional two feet of non-solid lattice to be added to the top of any legal fence. This type of fencing is commonly installed (See Figure 3) in front yards on corner lots to allow for the installation of a six-foot-tall fence. The installation of a six-foot fence in this location would limit visibility for vehicles exiting branch lane to turn onto Calvert Street and may be detrimental to the public welfare if not pulled back from the intersection.



Figure 3: Fencing examples within corner lot front yards in Easton

- 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 – Fencing on corner lots is common throughout the Town of Easton. As shown in Figure 3, homeowners normally install a two-foot non-solid lattice for added privacy while still meeting the Zoning Ordinance’s height requirements for fencing. The property is bordered by residential properties and is buffered from the nearest commercial properties and Route 50 by multi-family housing and a six-foot wooden privacy fence along Max Lane. A literal interpretation of this Ordinance would still permit the construction of a six-foot-tall privacy fence (4 foot solid and 2 foot of lattice) that meets the 2015 International Swimming Pool and Spa Barrier Requirements as a barrier for a swimming pool. Additional plantings could be installed along the fence in order to provide added screening and privacy.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals **deny** Variance 24-01 based on staff’s findings.

OR

2. I move that the Board of Zoning Appeals approve Variance 24-01 based on the following findings...

OR

3. I move an alternate motion.

Exhibit 'E'

THE STAR DEMOCRAT - ONE TIME - SUNDAY, DECEMBER 31, 2023

NOTICE

Notice is hereby given that Application V-004 / V 24-01 has been filed pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton, to obtain a variance from Section 28-1006.D.1, the maximum height for fences in any front yard. The applicant is proposing to replace the existing non-conforming 6' wooden privacy fence. The replacement of any non-conforming structure must meet all minimum requirements of the Zoning Ordinance, or receive approval for a variance from the Board of Zoning Appeals.

The property is located at 719 Howard Street, Easton, Maryland and is situated in the R-10A – Residential District. The property is owned by Curtis and Tricia Kubick. 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, January 16, 2024 at 10:00 A.M.** in the Town Council Chambers, second floor, located at 14 S. Harrison Street. All interested parties are invited to attend. Please continue to check our website at <https://eastonmd.gov/129/Agendas-Minutes> for agenda updates.

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

12/27/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID:	Creation Date: 12/27/23
	Ad Date: 12/31/23
	Class: 10
Name: Joanne Drummer	Ad ID:
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 190
	Lines: 23
Telephone: (410) 822-2525	Agate Lines: 72
Email:	Depth: 3.0
Description: PH - Application V-004/V	Inserts: 2
	Blind Box:

Other Charges: Total:
Discount:
Surcharge: Paid Amount:
Credits:
Bill Depth: Amount Due: _____

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	12/31/23	12/31/23	1	

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EASTON BOARD OF ZONING APPEALS
3042916 SD 12/31/2023

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

Exhibit 'F'



TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

NOTICE OF APPLICATION SUMMARY

2024-01-16

V-004 / V 24-01

Applicant notified of hearing date: Email: 2023-12-29 – 18 days

Exhibit A: Application – 2023-12-08 – 39 days

Exhibit B: Paid Receipt – 2023-12-08 – 39 days

Exhibit C: Picture of Property Sign Posting – 2023-12-29 – 18 days

Exhibit D: Staff Report – 2024-01-09 – 7 days

Exhibit E: Public Advertisement

Advertisement sent to the Star Democrat: 2023-12-27 – 20 days

Advertisement run in Star Democrat: 2023-12-31 – 16 days

Exhibit F: Notices

Applicant Hearing Letter: 2023-12-29 – 18 days

400' Notices Distributed: 2023-12-29 – 18 days



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

December 28, 2023

Curtis Kubick
719 Howard Street
Elkridge, Maryland 21075

Re: BOZA Application V-004 / V 24-01
719 Howard Street
Tax Map 103, Grid 0EA, Parcel 0861
Easton, Maryland 21601

Mr. Kubick,

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, January 16, 2024 at 10:00 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 and Zoning Department
410-822-1943 ssmith@eastonMD.gov



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

January 1, 2024

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, January 16, 2024 at 10:00 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 Application V-004 / V 24-01 has been filed pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton, to obtain a variance from Section 28-1006.D.1, the maximum height for fences in any front yard. The applicant is proposing to replace the existing non-conforming 6' wooden privacy fence. The replacement of any non-conforming structure must meet all minimum requirements of the Zoning Ordinance, or receive approval for a variance from the Board of Zoning Appeals.

The property is located at 719 Howard Street, Easton, Maryland and is situated in the R-10A – Residential Zoning District. The property is owned by Curtis and Tricia Kubick. 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 will be available for review one week prior to the scheduled meeting 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 email at ssmith@eastonMD.gov.

Samantha N. Smith

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