



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

Tuesday, June 18, 2024 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](http://eastonmd.gov)
 [\(eastonmd.gov\)](http://eastonmd.gov)

Attendance:

Board Members:

Peter Cotter, Chairman

Gary Molchan, Vice Chairman

Zakary A. Krebeck

Staff:

Miguel Salinas, Planning and Zoning Director

Lynn B. Thomas, Town Planner - Long Range

Joseph Mayer, Plan Reviewer

Nicholas Johnson, Town Planner - Current

Sharon Van Emburgh, Town Attorney

Samantha Smith, Administrative Specialist

Absent:

Board Members:

Paul Weber, Alternate

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

2. Decision Summary Review —

Vice Chairman Molchan moved to approve the May 21, 2024 Decision Summary.
Board Member Krebeck seconded the motion.

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

3. Applications —

a. File No.:	SE - 1226 / SE 24 - 05
Applicant:	Andrew Blackwood and Rut Finnsdottir
Location:	207 Choptank Avenue, Easton, MD 21601

Tax Map 0105, Grid 0000, Parcel 1669

Zoning: R-7A

Request: The applicant is requesting a Special Exception pursuant to Section 28-201 (Table 2.1 (1) (121)) to allow the operation of a Short-Term Housing unit within the R-7A Residential zoning district.

Background: This request stems from a Code Enforcement case opened on April 3, 2024 regarding a Short-Term Housing rental (Airbnb) operating at 207 Choptank Avenue without a Special Exception or rental license.

Outstanding Issue: Aerial imagery taken in 2019 and July of 2022 shows the installation of a swimming pool in the rear yard of the property. The Town's records do not indicate that an inspection was conducted and/or a building permit was issued by the Building Inspection Department for the installation of this pool.

Staff recommends the following conditions:

1. The applicant shall obtain a rental license to operate a Short-Term Housing rental through the Town's Rental Housing Program.
2. The applicant shall obtain an after-the-fact building permit for any unpermitted swimming facilities located on the property.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Andrew Blackwood

Public Comment — None

Public Comment Written— None

Chairman Cotter moved to approve the Special Exception request with the following conditions:

1. **The applicant shall obtain a rental license to operate a short-term rental through the Town's Rental Housing Program.**
2. **The applicant shall either remove or obtain a building permit for the existing above ground pool.**

Vice Chairman Molchan seconded the motion.

Vote 3 - 0

FOR: 3 - Cotter, Molchan, Krebeck

AGAINST: 0
ABSTAIN: 0
ABSENT: 0

- b. **File No.:** SE -739 / SE 22 - 12
Applicant: Stanley Dean
Location: 46 Wayman Avenue, Easton, MD 21601
Tax Map 0034, Grid 0009, Parcel 0169
Zoning: MXW
Request: The applicant is requesting a Special Exception pursuant to Section 28-201 (Table 2.1 (1) (121)) to allow the operation of a Short-Term Housing unit within the MXW zoning district - Water View subdistrict.

Background: This Special Exception application was first received in August of 2022. At that time, Short-Term Housing was prohibited within the MXW zoning district, and was not listed in the table of permitted uses. In February 2024, a text amendment was passed by the Town Council that added Short-Term Housing to the table of permitted uses via Special Exception within the Water View, Inland, and Port Street sub-districts of the MXW district.

Outstanding Issues: Chapter 14-19.1 of the Town Code requires that the structure in which the Short Term housing takes place shall be the principal residence of the owner of the property. The State Department of Assessments and Taxation lists the property owner's principal address as Burtonsville, Maryland. A short term rental license could not be issued if this property is not the applicant's primary residence.

Subsequent to the submission and scheduling of this application, Staff discovered potential violations to the Critical Area regulations. Critical Area violations involving the clearing of vegetation within the 100-foot buffer were recorded on this property in 2020 and 2023. A buffer management plan was subsequently approved for the planting of Spartina grasses and seven (7) canopy trees within the 100-foot buffer. In 2023, it was discovered the shoreline within the 100-foot buffer had been cleared without approval (including some of the required plants from the 2020 violation). A violation notice was issued and the applicant was required to plant 12 canopy trees and pay a fee-in-lieu for additional required plantings that could not be met on site.

Photos taken of the property by staff on June 6, 2024 indicate that these plantings have since been removed or died since planted; and new non-pervious parking pads were also installed within the Critical Area in violation of §28-401.(3)(C). Based on the approved 2021 buffer management plan, this lot was already in excess of the 15% lot coverage limit prior to the installation of this additional impervious surface, and was considered legally nonconforming for the purposes of lot coverage requirements.

Staff Presentation:

Nicholas Johnson, Planner

Lynn B. Thomas, Town Planner - Long Range

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Stanley Dean

Chairman Cotter moved to table the application for no more than 180 days (December 18, 2024) to address the Critical Area issues identified by Staff. Vice Chairman Molchan seconded the motion.

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

c. File No.: SE - 1184 / SE 24 - 06 and V - 1184 / V 24 - 04

Applicant: Z.H. Stafford III

Location: 20 S. Aurora Street, Easton, MD 21601

Tax Map 0104, Grid 0000, Parcel 1572

Zoning: R-7A

Request: The applicant is requesting a Special Exception from the following section of the Zoning Ordinance: Section 28-201 (Table 2.1 (1) (103.4)) to be utilized as a Fourplex, stacked * within the R-7A Residential Zoning District

The applicant is also requesting a variance pursuant to Section 28-1303.5 C of the Town of Easton Zoning Ordinance from Section 28-302.2.C, the minimum front, rear, and side setbacks for all uses and structures in the R-7A zoning district; Section 28-302.2.E, the minimum building envelope of sixty (60) feet deep by thirty (30) feet wide; Section 28-1007.1.13.D, the minimum lot width of fifty (50) feet for a stacked Fourplex; and Section 28-1001.3.A, the number of required parking spaces for all uses and structures. The applicant is proposing to construct a two-story structure on the vacant parcel located at 20 S. Aurora Street, also known as Tax Map 0104, Grid 0000, Parcel 1572.

Background: This application was granted a Certificate of Appropriateness for construction from the Historic District Commission at their May 13, 2024 meeting conditioned upon the use of half-round style gutters. Staff notes that the elevations that were approved by the Historic District Commission differ from the elevations that were submitted as part of the Special Exception/Variance application.

Staff Presentation:

Nicholas Johnson, Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:
Z.H. “Hoppy” Stafford III

By the applicant’s request, the application was withdrawn without prejudice and with the applicant’s right to re-apply and republish.

4. Discussion Item — None

5. Adjournment — Chairman Cotter motioned to adjourn. Vice Chairman Molchan seconded. The meeting was adjourned at 10:27 a.m.