



Board of Zoning Appeals MEETING AGENDA

Tuesday, February 18, 2025 - 9:00 AM
Council Chambers, Easton Town Office
14 S Harrison Street

1. Call to Order

2. Approval of Minutes

- a. Approval of the Draft Decision Summary from the January 21, 2025 meeting.

3. Applications

a. Application:

SE - 1377 / SE 25 - 02 and V - 1377 / V
25 - 01

Applicant:

Alan and Meredith Girard

Location:

311 August Street

Tax Map 0103, Grid 00EA, Parcel 0174

Zoning District:

R-7A

Request:

Special Exception request pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, use (1) 101 in Table 2.1 of Section 28-201 to be utilized as an Accessory Dwelling Unit* in the R-7A zoning district.

The Applicant is also seeking a Variance pursuant to Section 2-1303.5 C of the Town of Easton Zoning Ordinance from Section 28-302.2.C.3, the minimum 8' side setback for all uses and structures in the R-7A zoning district.

The Applicant is seeking to construct a new structure that is best described as a garage with a second floor accessory dwelling unit within the footprint of a detached garage that was destroyed by a fire in December of 2024.

4. Discussion Item

5. Adjournment



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

Tuesday, January 21, 2025 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:

- 17 Peter Cotter, *Esq.* Chairman
- 18 Gary Molchan, Vice Chairman
- 19 Zakary A. Krebeck
- 20 Paul Weber, Alternate

Staff:

- 22 Miguel Salinas, Planning and Zoning Director
- 23 Lynn B. Thomas AICP, Town Planner -
- 24 Long Range
- 25 Joseph Mayer, Plan Reviewer
- 26 Nicholas Johnson AICP, Town Planner -
- 27 Current
- 28 Sharon Van Emburgh, *Esq.* Town Attorney
- 29 Aaron Cooper, *Esq.* Legal Associate
- 30 Samantha Smith, Administrative Specialist

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 December 17, 2024 Decision Summary. Chairman Cotter seconded the motion.

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

3. Applications —

a. File No.: SE - 1364 / SE 25 - 01

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Applicant: Driller Ventures, LLC
% Anthony P. Kupersmith, Esq.
Location: 8171 Elliott Road, Easton, MD 21601
Tax Map 0109, Grid 00EA, Parcel 4582, Lot 3-R
Zoning: CG
Request: The applicant is requesting a Special Exception pursuant to Section 28-201 of the Zoning Code (*Table 2.1 (6) (603.1)*) to be utilized as a Cannabis Dispensary* in the CG - Commercial General Zoning District. The Applicant is proposing to operate a cannabis dispensary within the existing 3,192 square foot vacant building located on the subject property.

Background: On April 15, 2024, The Town of Easton Zoning Ordinance was amended through the passing of *Ordinance 809*. The Ordinance established regulations for cannabis dispensaries and other related uses by Special Exception within the Central Business (CB) and Commercial General (CG) zoning district subject to supplemental standards (Section 28-1007.2.A.18).

Staff recommends the following conditions:

1. Prior to the issuance of an occupancy permit, the Applicant shall provide the Town with an up-to-date local contact person (based in Talbot County) who shall be available and authorized to respond to complaints concerning any operational issues associated with the dispensary.
2. Prior to the issuance of an occupancy permit, the Applicant shall provide certification by a professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors for all odor sources.
3. The cannabis dispensary shall not be open to the public prior to 9:00 a.m. or after 9:00 p.m. Operations not involving the public such as stocking shelves, completion of booking, etc., may occur outside this window.
4. Any subsequent change in ownership, tenancy, or operation will require a new application and approval for the continuation of the Special Exception use.
5. The Applicant shall obtain a Certificate of Occupancy within two (2) years after the date the Special Exception is granted. Failure to obtain a Certificate of Occupancy by January 21, 2027 shall void this approval.

Staff Presentation:
Nicholas Johnson AICP, Planner
Miguel Salinas, Director of Planning and Zoning
Sharon Van Emburgh, Esq. Town Attorney

98 **Applicant Presentation:**
99 Anthony P. Kupersmith *Esq.*

100
101 **i. Oath to Testify** — Chairman Cotter called for all witnesses to declare and
102 affirm under penalty of perjury that he or she solemnly swear to testify
103 truthfully before the Board.

104
105 **ii. Opening Statement** —

106
107 **1.** Applicant Opening Statement — Mr. Anthony P. Kupersmith, *Esq.*
108 addressed the Board on behalf of Driller Ventures, LLC with a
109 brief introduction to the nature of the Special Exception request.
110 Mr. Kupersmith detailed the existing features of the subject
111 property, noting that at the time of this request, the property
112 complies with the separation requirements for cannabis
113 dispensaries as per Section 28-1007.2.A.18 of the Town Code. The
114 Applicant has obtained a conditional license from the State of
115 Maryland Cannabis Administration to operate a standard cannabis
116 dispensary within Talbot County

117
118 **iii. Testimony** —

119
120 **1.** Mr. Kupersmith called Mr. Michael Dunaway to testify on behalf
121 of Mrs. Mae Hauschel, the owner of Driller Ventures LLC. There
122 were no objections.

123
124 Mr. Dunaway provided a brief background of Mrs. Hauschel's
125 experience working with retail cannabis in the State of California
126 and Maryland, and described the proposed operational procedures
127 for the dispensary including odor mitigation, compliance training,
128 and security measures. As required by the State of Maryland
129 Cannabis Administration, the Applicant has since received a
130 certificate of completion (*Applicant Exhibit 1*) for the Maryland
131 Responsible Vendor Training program. This program is recognized
132 as a licensee and regulatory compliance training for retail
133 establishments that sell, handle, or transport cannabis in the State
134 of Maryland.

135
136 **i. Cross Examination** — Chairman Cotter opened up
137 cross examination for Mr. Dunaway's testimony.
138 There was none.

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140 **2.** Mr. Kupersmith called Mr. Darryl A. Hill, CEO of TilStar and
141 Green Bean, LLC to testify as an expert cannabis dispensary
142 consultant. There were no objections.
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Mr. Hill described his experience in cannabis distribution in the State of Maryland, highlighting the positive licensing advantages available to this application since the enactment of the Cannabis Reform Act. The Cannabis Reform Act of 2023 was enacted to support equity and economic opportunity in order to reach a large number of underserved and disproportionately impacted business owners and entrepreneurs in the State of Maryland’s adult-use cannabis market. Mr. Hill characterized the unique benefits of this location, and the potential economic opportunities for bringing a cannabis dispensary to the Town of Easton.

i. Cross Examination — Chairman Cotter opened up cross examination for Mr. Hill’s testimony. There was none.

iv. Public Comment — Chairman Cotter opened for public comment.

1. Public Comment:

Zachary A. Smith, *Esq.* on behalf of BGFY LLC
Jackie Wisman
Brooke Kimbrow
Noah Matten, BGFY LLC
Chris Cook, Bristol Realty

2. Public Comment Written:

Zachary A. Smith, *Esq.* on behalf of BGFY LLC

v. Closing Testimony —

1. Applicant Closing Statement — Mr. Kupersmith addressed each of the Special Exception findings for the proposed use, detailing that all operational requirements for this application have been met as per the supplemental standards of the Town of Easton Zoning Code and the State of Maryland. Mr. Kupersmith acknowledged a Special Exception for a cannabis dispensary that was conditionally granted by the Board (*SE - 1346 / SE 24 - 09*) and asserted that the separation requirements for this request have been met, as no other cannabis dispensary is currently in operation within the surrounding area at the time of this request. Mr. Kupersmith addressed concerns raised from the public regarding the parking easement, and asked the Board to consider allowing the Applicant to work with staff on a reasonable parking easement agreement.

189 **vi. Recess** — Chairman Cotter moved for a brief recess to consult with legal
190 counsel in a closed session, pursuant to Section 3-305(b)(7) of the General
191 Provisions Article of the Maryland Annotated Code. Vice Chairman
192 Molchan seconded the motion. The motion for recess was voted for
193 unanimously at 10:23 a.m. The meeting was called to order at 10:39 a.m.
194

195 **vii. Board Deliberation for Special Exception *SE - 1364 / SE 25 - 01***
196

197 **Chairman Cotter moved to approve the Special Exception request subject to the**
198 **following conditions:**
199

- 200 **1. Prior to the issuance of an occupancy permit, the Applicant shall provide the**
201 **Town with an up-to-date local contact person (based in Talbot County) who**
202 **shall be available and authorized to respond to complaints concerning any**
203 **operational issues associated with the dispensary.**
204
- 205 **2. Prior to the issuance of an occupancy permit, the Applicant shall provide**
206 **certification by a Professional Engineer, Certified Industrial Hygienist, or**
207 **other equivalently qualified professional that the proposed odor control**
208 **measures will effectively eliminate outdoor odors for all odor sources.**
209
- 210 **3. The cannabis dispensary shall not be open to the public prior to 9:00 a.m. or**
211 **after 9:00 p.m. Operations not involving the public such as the stocking of**
212 **shelves, completion of booking, etc., may occur outside of this window.**
213
- 214 **4. Any subsequent change in ownership, tenancy, or operation shall require a**
215 **new application and approval for the continuation of the Special Exception**
216 **use.**
217
- 218 **5. The Applicant shall obtain a Certificate of Occupancy within two (2) years**
219 **after the date the Special Exception is granted. Failure to obtain a Certificate**
220 **of Occupancy by January 21, 2027 shall void this approval.**
221
- 222 **6. The Applicant shall satisfy all provisions of the minimum parking**
223 **requirements as deemed acceptable by the Town Attorney and Town staff.**
224

225 **Board Member Krebeck seconded the motion.**
226

227 <u>Vote</u>	<u>2 - 1</u>
228 FOR:	2 - Cotter, Krebeck
229 AGAINST:	1 - Molchan
230 ABSTAIN:	0
231 ABSENT:	0

234 **4. Discussion Item** — None

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236

237 **5. Adjournment** — Chairman Cotter motioned to adjourn. Vice Chairman Molchan
238 seconded. The meeting was adjourned at 10:49 a.m.



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

EXHIBIT SUMMARY
for 311 AUGUST STREET
SE - 1377 / SE 25 - 02 & V - 1377 / V 24 - 01
2024-02-18

Applicant notified of hearing date: Email: 2025-01-24 – 25 days

Exhibit A: Staff Report: 2025-02-11 – 7 days

Exhibit B: Application

Application: 2024-01-15 – 34 days
Special Exception and Variance Application
Variance and Special Exception Request Summary
Applicant Exhibit 1
Applicant Exhibit 2
Applicant Exhibit 3
Applicant Exhibit 4
Applicant Exhibit 5
January 2021 Deed

Proof of Payment: 2024-01-16 – 33 days

Exhibit C: Notices

Applicant Hearing Letter: 2025-01-24 – 25 days

400' Notices Distributed: 2024-01-23 – 26 days

Picture of Property Sign Posting: 2025-02-03 – 15 days

Exhibit D: Public Advertisement

Advertisement sent to the Star Democrat: 2024-01-23 – 26 days

Advertisement run in Star Democrat: 2024-02-01 – 17 days

Star Democrat Proof

Certificate of Publication

3a

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

SUBJECT: SPECIAL EXCEPTION & VARIANCE 1377

ELECTION WARD: Ward 1

CRITICAL ACTION DATE: At the pleasure of the Board.

STAFF CONTACTS: Nicholas Johnson, AICP - Town Planner - Current
Miguel Salinas – Director of Planning and Zoning

APPLICANT: Alan P Girard Jr.

PURPOSE: The applicant is seeking a special exception to permit an accessory dwelling unit (ADU) within the R-7A Zoning District. Also, a variance from the minimum side setback requirement for all uses and structures within the R-7A Zoning District (§28-302.2.C.3) is requested.

RECOMMENDATION:
Staff supports a Board **approval with conditions** of this application.

APPLICATION INFORMATION:	
APPLICANT: Alan P Girard Jr. 311 August Street Easton MD, 21601	REPRESENTATIVE: N/A
PARCELS/ACREAGE:	
Parcel Information	Acreage
Map 103, Grid 000, Parcel 1074	0.14

ACCEPTANCE DATE: January 15, 2025	LOCATION: 311 August Street
EXISTING ZONING R-7A	EXISTING LAND USE: Residential
HISTORIC DISTRICT: Yes	FUTURE LAND USE: Residential

CONTEXT:

Location/Site Access – The subject property is a corner lot and is bounded to the west by Locust Lane, to the south by August Street, and to the north by Powells Alley. Vehicular access to the site is located on Powells Alley and pedestrian access is provided by a public sidewalk on August Street.

Existing Conditions – The subject property is best described as a 5,940 square foot residential lot containing an approximately 1,500 square foot single-family dwelling unit. A concrete slab that is 30-feet long, 24-feet wide, and 4-inches deep is located at the rear of the property. This concrete slab once housed a garage that was destroyed by a fire in December of 2024.



Figure 1: Site Photos

Surrounding Properties –

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

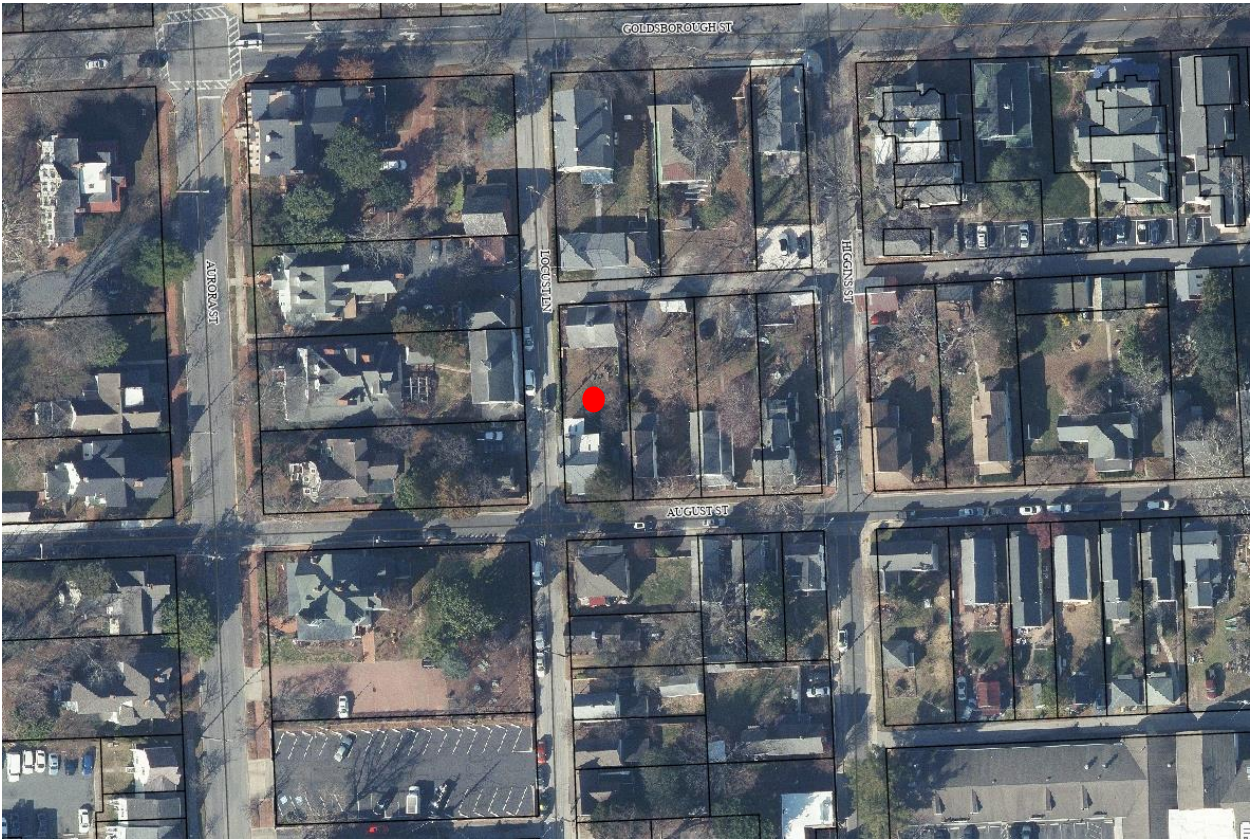


Figure 2: Vicinity Map

PROPOSAL: The applicant is proposing to construct a new two-story garage with an accessory dwelling unit on the second floor. The new garage will be located within the same footprint of the previous garage which was permitted in 2004 and destroyed by fire in 2024. The new garage will be setback 15-feet from the center of Powell Alley, 15-feet from the property line fronting Locust Lane, and approximately 1-foot from the interior side lot line. The garage that existed

prior to the fire, was considered non-conforming in regards to the minimum eight (8) foot side setback requirement from the interior side lot line. When a non-conforming structure is destroyed to an extent of 100% of its assessed value, the Zoning Ordinance states that it “shall not be reconstructed except in conformity with the provisions of this Ordinance” (§28-1204.B). Thus, the new garage would be required to meet all of the requirements of the Zoning Ordinance including the minimum required setback from side property lines.

	Allowed	Proposed
Side Setback	8 feet	1 foot

Table 1: Summary of Variance Request

POLICY ANALYSIS (SPECIAL EXCEPTION):

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

Analysis – In addition to the requirements of the R-7A district, accessory dwelling units (ADUs) are subject to supplemental standards found in §28-1007.1.7 of the Town Code. These standards are:

- a. Applicant shall have or obtain a Town of Easton Rental Housing License for the rental unit.¹*
- b. One additional off-street parking space shall be provided for the granny flat.*
- c. No more than one granny flat may be created on any one lot under the terms of these provisions.*
- d. The principal residence associated with the application for a granny flat must be occupied by the owner of the property.*

In regards to the requirement for one additional off-street parking space, there are no existing off-street parking spaces on this property. The Zoning Ordinance parking standards state “No off-street parking space greater than which exists at the effective date of this ordinance need be provided for existing uses or structures. However, if at any time in the future the use of the property changes to one which requires greater off-street parking space, the extra space shall be provided” (§28-1001.2.B). In this case, the applicant will need to provide at least one 9’ x 18’ perpendicular parking space or an 8’ x 22’ parallel parking space to satisfy the minimum parking requirement.

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

¹ Rental housing license requirements are found in Chapter 14 of the Town Code and administered by the Town’s Code Enforcement Department.

Analysis – The surrounding area is residential in nature and will not have any adverse effects on the health, safety, and general welfare. Any rental units in the new ADU will need to be licensed through the Town’s rental licensing program and will be inspected on an annual basis.

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

Analysis – Easton Utilities will review the building permit application for the proposed ADU and verify that adequate water and sewer are provided for the use. A development impact fee will also be assessed prior to the issuance of a building permit that is used to fund public facilities that are impacted by the creation of a new dwelling unit.

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

Analysis – The creation of a new one-bedroom dwelling unit will not generate a number of vehicular trips that would create congestion or undue traffic hazards. Adequate off-street parking will need to be provided for the new dwelling unit

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

Analysis – The proposed use is residential in nature and will not create undue smoke, odor, or noise. Stormwater management and drainage for the new structure will be reviewed by the Town’s Engineering Department through the grading permit review process.

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

Analysis – The surrounding area is overwhelmingly residential in nature which is consistent with the proposed use. Multi-story garages and accessory structures can be found on neighboring properties fronting Locust Lane.

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

Analysis - The Comprehensive Plan’s future land use map identifies this property as appropriate for residential uses which is consistent with what is proposed. The Comprehensive Plan’s Housing Chapter also places a great deal of emphasis on providing affordable housing. Accessory Dwelling

Units (ADU's) are one tool that has been identified for providing additional affordable housing across the Country. The American Planning Association states that ADU's "have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods." Many communities have begun permitting ADU's by-right in order to facilitate the creation of this often-affordable housing type.

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 previous garage existed within one-foot of the side property line for the past 20 years without any documented issues regarding its effect on the public interest or welfare. Many structures within this neighborhood are located extremely close to neighboring property lines due to the historic nature of the area. The purpose statement for the R-7A Zoning District states that one of the goals of this district is to encourage construction that "respects the existing character of the older, developed parts of the district" (§28-302.1). The proposed structure is similar in size and footprint to other historic outbuildings located in the R-7A Zoning District.

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 – The peculiarity associated with this property is the fact that the 4" deep concrete slab from the previous garage still exists and will be used for the new construction. The lot is also a corner lot meaning it has two front yards and two side yards and is relatively narrow. The practical difficulty associated with a literal enforcement of the Ordinance is that the concrete slab would need to be completely removed and re-installed in order to re-build the garage on a narrow lot without a variance being granted.

RECOMMENDED CONDITIONS:

1. The applicant shall obtain a rental housing license if the new dwelling unit is to be rented.
2. The applicant shall demonstrate during the building permit review process that one additional off-street parking space is being provided. This parking space must meet the minimum dimensions found in Table 10.1 of the Zoning Ordinance and be constructed of a material that is dust free and resistant to erosion.
3. The applicant shall obtain a certificate of appropriateness from the Historic District Commission.
4. Construction shall have begun within two (2) years after the date the special exception is granted.

DRAFT MOTIONS:

1. I move that the Board of Zoning Appeals **approve with staff's recommended conditions** Special Exception and Variance 1377 based on the following findings...

OR

2. I move that the Board of Zoning Appeals **deny** Special Exception 1364 based on the following findings...

OR

3. I move an alternate motion.



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

RECEIVED
 JAN 15 2025
 TOWN OF EASTON

BOARD OF ZONING APPEALS APPLICATION

APPLICATION TYPE

VARIANCE APPEAL SPECIAL EXCEPTION

PROPERTY INFORMATION

ADDRESS	311 August Street					
TAX MAP	0103	GRID	00EA	PARCEL	1074	LOT 17
DEED REFERENCE	LIBER	02808	FOLIO	00485		
PLAT REFERENCE	LIBER		FOLIO			
EXISTING USE	Residential					
ZONING DISTRICT	R-7A					

HISTORIC DISTRICT Y N Planned Redevelopment District Y N

OWNER

NAME	Alan Paul Girard, Jr. and Meredith Lathbury Girard		
MAILING ADDRESS	311 August Street		
TELEPHONE NO.	410-924-7052	EMAIL	jibtender1@gmail.com

APPLICANT OR AGENT

NAME			
MAILING ADDRESS			
TELEPHONE NO.		EMAIL	

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

A NY 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	 1/15/25
Date	
PRINTED NAME OF APPLICANT OR AGENT	Alan P. Girard, Jr.

For Office Use Only

Project Number	V 25 - 01	SE 25 - 02	Fee Received	\$950.00
Application Number		2025- 1377	Application NotificationA	02/03/2025
Filing Date		01/15/2025	Property Posting Date	02/03/2025
BOZA Hearing Date		02/12/2025	Notice(s) Published	02/01/2025
If ESDR, Date		-		

Revised 11-2023



Board of Zoning Appeals Checklist Special Exception Application

Application review shall not commence unless a complete application is submitted. A complete application includes all **minimum** submission materials and documents on this Checklist of Minimum Submission Requirements.

	Provided	N/A
Required fee payment as determined by the fee schedule adopted by the Town Council		
Completed application along with a written, detailed explanation for the purpose of the request		
Site plan drawn to scale to include at a minimum the items listed below.		
<ul style="list-style-type: none"> ● Property boundaries and dimensions 		
<ul style="list-style-type: none"> ● Locations and dimensions of all existing and proposed structures and their locations measured from the nearest property lines 		
<ul style="list-style-type: none"> ● Setbacks from property lines 		
<ul style="list-style-type: none"> ● Adjoining roads 		
<ul style="list-style-type: none"> ● Established easements 		
<ul style="list-style-type: none"> ● Perennial and intermittent streams 		
<ul style="list-style-type: none"> ● Tidal and non-tidal wetlands 		
Architectural drawings, photographs, elevations, specifications, or other detailed information depicting the exterior appearance of existing and proposed construction, including parking, access, exterior lighting, and signs		
A statement explaining in detail how the use is to be operated, including hours of operation, number of anticipated employees, occupants and clientele, traffic impact, and any special equipment, conditions, or limitations that the applicant proposes		

If the applicant is not the owner of the subject property, documentation of legal interest in the property or authorization to file application from or on behalf of the owner		
A copy of the deed conveying present ownership of the property		
A copy of any covenants or restrictions on the property recorded among the Land Records of Talbot County		
Additional documents, records, and exhibits that the applicant intends to introduce or rely upon at the public hearing		
Written responses to all the Board's required consideration of the principles relevant to the request (see attached)		

Special Exception Findings of Fact

- a. the proposed use conforms in all aspects to minimum requirements of the district in which it is located;
- b. the proposed use is not adversely affecting the health, safety, and general welfare of residents of the area;
- c. the proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exceptions;
- d. the proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided;
- e. the proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access;
- f. the proposed use will not adversely affect the established character of the area.
- g. the proposed use shall be in conformity with the provisions of the Easton Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary and uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance



Board of Zoning Appeals Checklist Variance Application

Application review shall not commence unless a complete application is submitted. A complete application includes all **minimum** submission materials and documents on this Checklist of Minimum Submission Requirements.

	Provided	N/A
Required fee payment as determined by the fee schedule adopted by the Town Council		
Completed application along with a written, detailed explanation for the purpose of the request		
Survey plat, site plan, or other accurate drawings, drawn to scale, to include at a minimum the items listed below.		
<ul style="list-style-type: none"> ● Property boundaries and dimensions 		
<ul style="list-style-type: none"> ● Locations and dimensions of all existing and proposed structures and their locations measured from the nearest property lines 		
<ul style="list-style-type: none"> ● Setbacks from property lines 		
<ul style="list-style-type: none"> ● Adjoining roads 		
<ul style="list-style-type: none"> ● Accurate illustration of the requested variance 		
<ul style="list-style-type: none"> ● Scale Bar 		
<ul style="list-style-type: none"> ● Established easements 		
<ul style="list-style-type: none"> ● Perennial and intermittent streams 		
<ul style="list-style-type: none"> ● Tidal and non-tidal wetlands 		
<ul style="list-style-type: none"> ● Critical Area and 100-foot shoreline buffer boundary 		
Architectural drawings, photographs, elevations, specifications, or other detailed information depicting the exterior appearance of existing and proposed construction, including parking, access, exterior lighting, and signs		

If the applicant is not the owner of the subject property, documentation of legal interest in the property or authorization to file application from or on behalf of the owner		
A copy of the deed conveying present ownership of the property		
A copy of any covenants or restrictions on the property recorded among the Land Records of Talbot County		
Additional documents, records, and exhibits that the applicant intends to introduce or rely upon at the public hearing		
Written responses to all the Board's required consideration of the principles relevant to the request (see attached)		

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? (ie, 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.

**Alan & Meredith Girard
311 August Street**

Variance and Special Exception Request

Summary

Alan and Meredith Girard (the applicant) seek to rebuild and improve a detached garage that was destroyed by fire on December 22, 2024. The structure was built in 2004 by a previous owner with Town of Easton and Historic District Commission approval. The applicant seeks to reconstruct and enhance the destroyed building, on the same footprint with a similar roof pitch and height, and include on the second floor an efficiency apartment for personal use and that may be made available for rent. The Girard’s will continue to operate and maintain the main house on the property as their primary dwelling. When used as a rental unit, the new second-floor accessory dwelling unit helps achieve the Town’s housing goals and objectives, including “density that creates a sense of place, uses infrastructure efficiently, [and] produces pedestrian-friendly neighborhoods.”¹

Current

Color updated to grey



Proposed

Dormer to face yard, ADU entry to face Locust Street, board and batten siding, grey color to match main house



¹ <https://eastonmd.gov/DocumentCenter/View/230/Housing-PDF>

Variance Request

The location and dimensions of the structure that was built in 2004 are shown in Exhibit 1. This structure replaced a building that was sited prior to 2004 (location and dimensions of the prior structure shown in Exhibit 2). In 2004, the Town issued a building permit (Exhibit 3) and the Historic District Commission (HDC) issued a Certificate of Approval (Exhibit 4) for the structure that was recently destroyed by fire in 2024. Reconstruction and enhancement of the destroyed structure is the subject of this variance request.

The building permitted for construction and certified for approval by the Town and the HPC in 2004 does not conform to Article III Section 28-302 of the Town of Easton Zoning District Regulations. The regulations require a side setback of eight feet in the applicable R-7A residential district, but the destroyed structure proposed to be replaced is located less than 3 feet from the eastward neighboring property, even though the Town approved building this structure in 2004 when the eight-foot side setback requirement is believed to have been in place.

The applicant seeks a variance to the side setback requirement because the structure, proposed to be built on the same footprint and concrete slab foundation, will not be enlarged or altered in a way which increases its non-conformity (28-1204(a)). Furthermore, the proposed structure:

- (i) *Will not be contrary to the public interest.* The structure that has the same location and dimensions as the one proposed here would not have been approved by the Town and HPC in 2004 were those approvals to have been contrary to the public interest.
- (ii) *Will be in harmony with the purpose and intent of the zoning ordinance.* Siting the structure without enlarging or altering its footprint respects the existing character of the older, developed parts of the [R-7A] district that often includes structures located less than eight feet from neighboring properties (28-302.1).
- (iii) *Will not be injurious to the neighborhood or otherwise detrimental to the public welfare.* Neighbors and the public are not known to have complained about or been harmed by the location of the destroyed structure that was located within the eight-foot side setback for more than 20 years (28-1303.5(c)(4)).

The applicant proposes to rebuild the structure without enlarging or altering the concrete slab foundation on which the prior destroyed structure was built. Were conformity with the eight-foot side setback to be required, demolition of the existing foundation and construction of a new foundation would be required for rebuilding. Enforcement of the ordinance to conform with the eight-foot side setback requirement would result in practical difficulty to the applicant (28-1303.5(c)(4)).

The proposed structure is approximately the same height as the structure it will replace and does not exceed the thirty-five-foot height limitation (28-302.2(d)). The 25' x 30'

footprint and location of the existing concrete slab foundation will not change. The fifteen-foot setback to the center of the alley at the rear northern perimeter of the property will remain in conformity with the supplemental use standards (28-1007.1(1)(6)). The side-setback to Locust Street that abuts the property to the west will remain fifteen feet. The accessory structure will not occupy more than fifty percent of the rear yard area (28-302.2)(see Exhibit 5).

Special Exception Request

The applicant proposes to replace, on the same footprint, the one-story two-car garage destroyed in 2024 with a two-story accessory dwelling unit that includes a two-car garage on the first floor (same as previous) and a 624 square-foot one-bedroom, one-bathroom efficiency apartment on the second floor (see Exhibit 5).

The accessory dwelling unit may be made available for rent at the applicant's discretion and in accordance with all applicable rules and regulations. A Town of Easton Rental Housing License will be obtained if the facility is offered for rent. One off-street parking space accessible by the alley at the northern perimeter of the property and located between Locust Street and the structure will serve the rental unit and conform with the three-foot public street setback (28-1001.2(k)). Only one accessory dwelling unit will be created. The principal residence associated with the accessory dwelling unit will be occupied by the owner of the property (the applicant) (28-1007.1(7)).

The structure is proposed to conform to all conditions in the 2004 HPC Certificate of Approval (Exhibit 4), including:

- (i) Two-door garage doors
- (ii) 12' over 8' roof pitch
- (iii) Parged concrete block foundation 3 blocks high
- (iv) Half-round rain gutters
- (v) SDL 2 over 2 windows
- (vi) One light main door
- (vii) Board and batten siding with color to match main house

Additional facts and evidence include:

- (i) *The proposed use conforms in all aspects to minimum requirements of the district in which it is located.* The proposed structure includes a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping on the second floor, and a first-floor two-car garage below. The 25' x 30' structure is proposed as a separate accessory structure on the same lot as the principal dwelling, which qualifies it as an accessory dwelling unit (28-114), a

special exception for which may be granted by the Board of Zoning Appeals as a permitted use in the R-7A zoning district (28-202 Table 2.1.A).

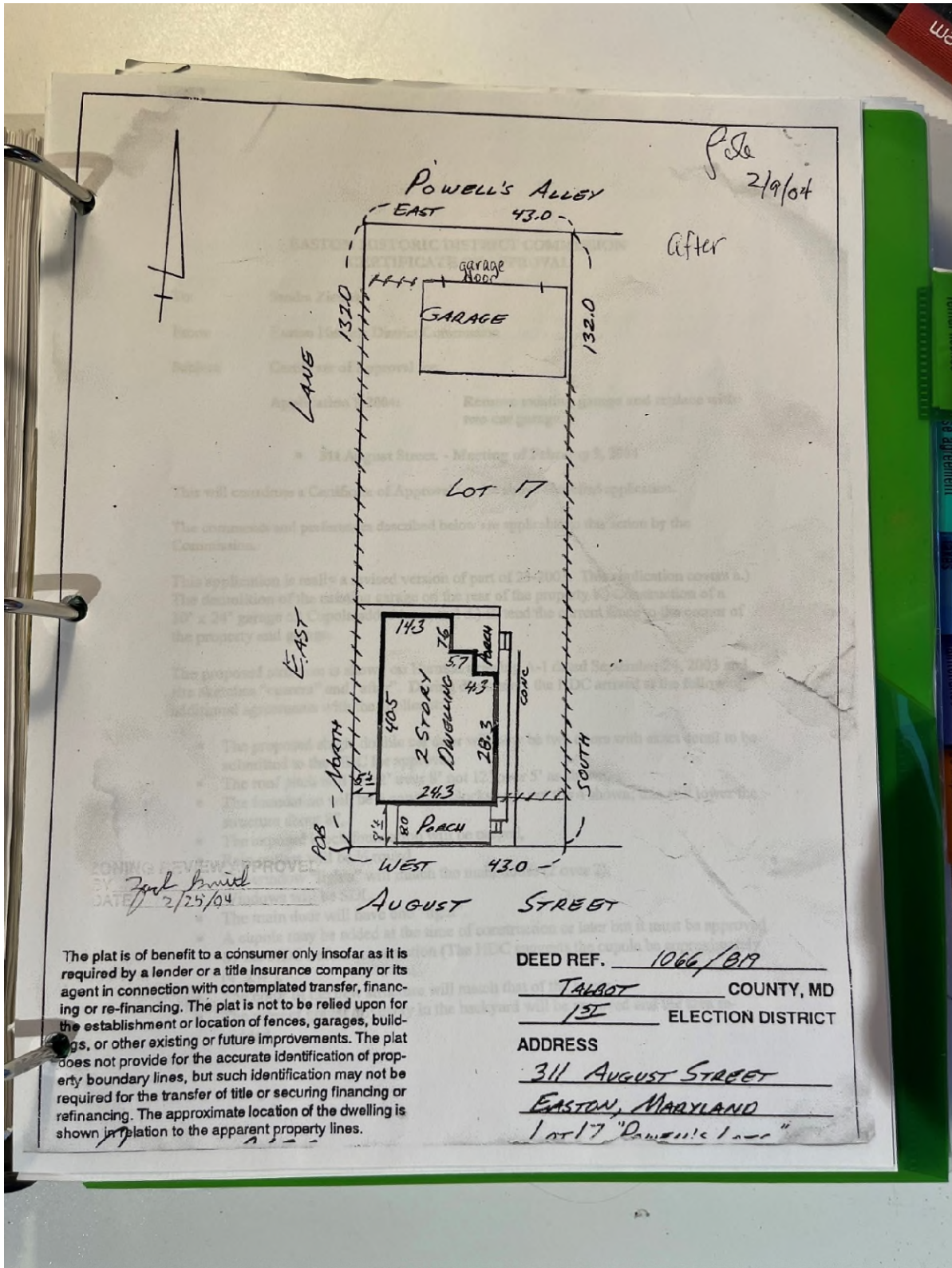
- (ii) *The proposed use is not adversely affecting the health, safety, and general welfare of residents of the area.* The proposed use is consistent with the requirements of the R7-A zoning district, compatible with the character of the neighborhood, and compliant with rules and regulations that protect the public from harm. Infill redevelopment supported by the proposal is an objective of the Town of Easton that is intended to supply wide-ranging benefits to the community.
- (iii) *The proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exceptions.* The accessory dwelling unit is proposed to be served by public water, sewer, natural gas, electricity, and cable/internet supplied by Easton Utilities. These services are planned to be delivered by connecting to existing infrastructure on the property and distributed within the property boundary.
- (iv) *The proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided.* Off-street parking will be provided as required by the supplemental use standards and to eliminate the need for on-street parking. A 9' x 18' gravel or porously paved parking space will be located west of the structure and three feet east of Locust Street in conformance with the three-foot public street setback (28-1001.2(k)). Egress and ingress to/from the new parking space will be similar to that of the existing garage and other parking spaces that serve neighboring properties from the alley. The parking capacity required for the accessory dwelling unit in the supplemental use standards (28-1007.1(7)(b)) is in addition to the two garage parking spaces provided in the first floor of the structure for use associated with the primary single-family detached dwelling occupied by the property owners (28.1001.3(a)(1)).
- (v) *The proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access.* No additional smoke, odor, or noise is expected to be generated by the structure's use. The structure will not have a fireplace. Any landlord/tenant agreement will require noise restrictions of the tenants. No additional impervious surface will be created as the roof area will be the same as the roof area of the building the structure is replacing. The driveway is proposed to be gravel or another pervious material. Access to the

second-floor dwelling unit will be through a door located on the west side of the structure that faces Locust Street and no other adjoining private property.

- (vi) *The proposed use will not adversely affect the established character of the area. The proposed structure will be of a similar size, scale, and appearance to the structure approved by the Town and HPC in 2004. Differences include a three-window dormer that faces south to the interior of the property, and a second-floor window on each of the east and west sides of the building. Historically appropriate board and batten siding will be installed and painted to match the pre-existing structure and retain the character of the neighborhood that existed when the primary structure was built (1900).*

- (vii) *The proposed use shall be in conformity with the provisions of the Easton Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary and uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance. The proposed structure supports implementation of the Town of Easton's Comprehensive Plan. By modestly increasing housing stock near the downtown area, the accessory dwelling unit is a type of neighborhood redevelopment that is "environmentally responsible by providing adequate opportunities for walking to jobs, convenience retail, and community facilities" (page 98). The proposed size, shape, and board and batten siding are consistent with the historical look and feel of accessory structures in the historic district, consistent with the Principle #5 directive that "architecture should respect Easton's historical development" (page 101). Finally, the proposed structure advances Easton's approach to infill development, which according to the Plan decreases demand for new undeveloped greenfield land, provides more mobility for those who do not or cannot drive, is generally less expensive to provide services, increases supply of smaller-sized housing units, offers more affordable and lower maintenance housing choices for smaller households, brings new opportunity and improved quality of life for in-Town residents, saves energy and the environment, and is consistent with State Smart Growth Policies (page 119).*

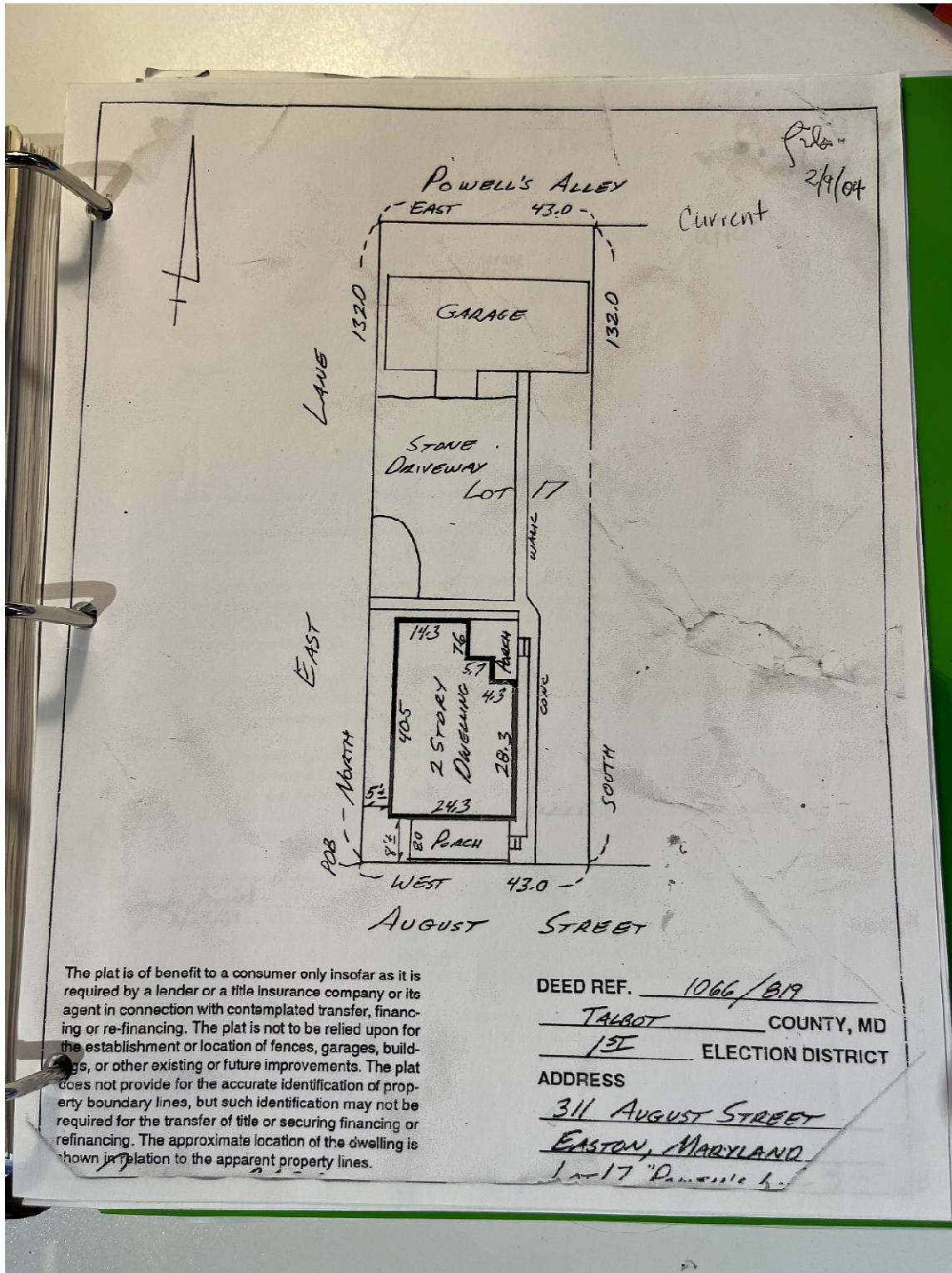
Exhibit 1: Location and dimensions of the structure replaced in 2004



The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines.

DEED REF. 1066/019
TALBOT COUNTY, MD
15E ELECTION DISTRICT
 ADDRESS
311 AUGUST STREET
EASTON, MARYLAND
LOT 17 "Powell's Lane"

Exhibit 2: Location and dimensions of the structure demolished in 2004



filed
2/9/04

Current

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines.

DEED REF. 1066/819
TALBOT COUNTY, MD
15 ELECTION DISTRICT
 ADDRESS
311 AUGUST STREET
EASTON, MARYLAND
 Lot 17 "Dumfries h."

Exhibit 4: 2004 Historic District Commission Certificate of Approval

EASTON HISTORIC DISTRICT COMMISSION CERTIFICATE OF APPROVAL

To: Sandra Ziemski
From: Easton Historic District Commission
Subject: Certificate of Approval for:

Application 9-2004: Remove existing garage and replace with two car garage.

▪ 311 August Street. - Meeting of February 9, 2004

This will constitute a Certificate of Approval for the above-identified application.

The comments and preferences described below are applicable to this action by the Commission.

This application is really a revised version of part of 23-2003. This application covers a.) The demolition of the existing garage on the rear of the property b.) Construction of a 30' x 24' garage c.) Cupola added later, and d.) Extend the current fence to the corner of the property and garage.

The proposed structure is shown on Harmon drawing A-1 dated September 24, 2003 and site sketches "current" and "after". During discussion, the HDC arrived at the following additional agreements with the applicant:

- The proposed single double car door will now be two doors with exact detail to be submitted to the HDC for approval,
- The roof pitch will be 12' over 8' not 12' over 5' as shown,
- The foundation will be 3 concrete blocks high not the 4 shown; this will lower the structure about 8",
- The exposed block foundation will be parged,
- Rain gutters will be ½ round,
- The window "lights" will match the main house (2 over 2),
- Windows will be SDL,
- The main door will have one "light",
- A cupola may be added at the time of construction or later but it must be approved by the HDC before construction (The HDC suggests the cupola be approximately (4' x 4'),
- The color of the new structure will match that of the house,
- The present gravel driveway in the backyard will be removed and the area re-sodded

- T-111 siding is approved but the applicant is encouraged to consider "board and batten" siding for a better appearance.

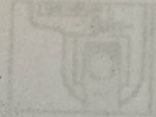
The HDC feels this application, as modified, is consistent with the HDC Guidelines.

APPROVED AS SUBMITTED with MODIFICATIONS 6-0


No further changes in the plans, blueprints or written requests as submitted by the applicant can be made without notification and/or approval of the Easton Historic District Commission.

Roger A. Bolander 2/23/04
 Chairman Date

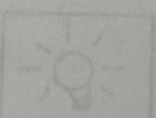
1. Press and release the "Test" button on motor test. The motor indicator light will glow steadily for 30 seconds.



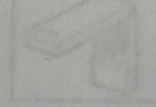
2. Within 30 seconds, enter a four digit personal identification number (PIN) of your choice on the keypad. Then press and hold the ENTER button.




Release the button when the motor test lights blink. If you do not hear the code, if light bulbs are not installed, test lights will be heard.




1. Enter a four digit personal identification number (PIN) of your choice on the keypad. Then press and hold ENTER.



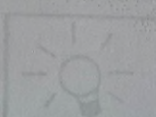
2. While holding the ENTER button, press and hold the LIGHT button on the Multi-Function Door Control.



3. Continue holding the ENTER and LIGHT buttons while you press the push bar on the Multi-Function Door Control (all three buttons are held).



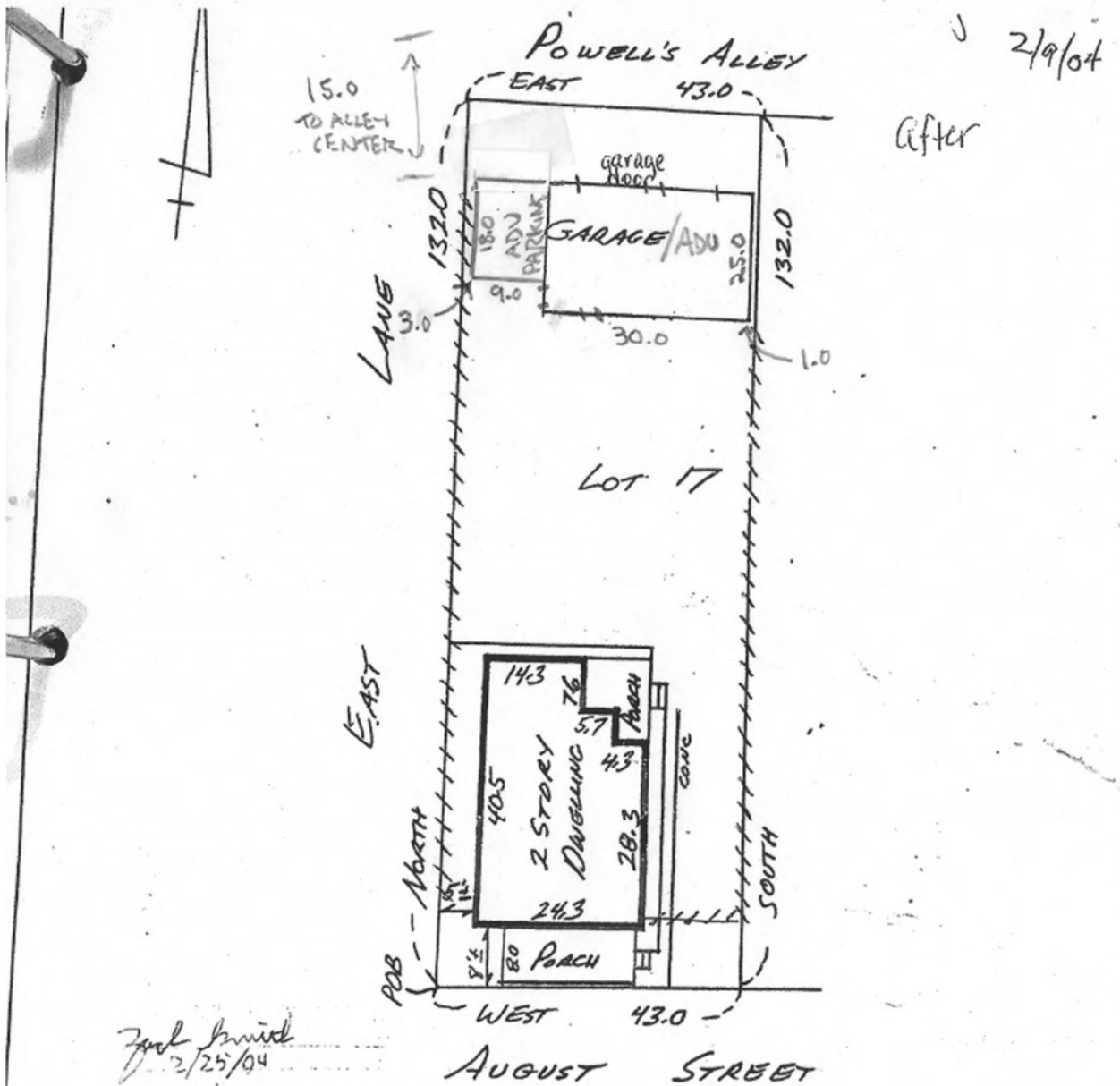
4. Release buttons when the motor test lights blink. If you do not hear the code, if light bulbs are not installed, test lights will be heard.



Re-programming existing known PIN
 The temporary PIN is known, it may be changed by one person when entering a code.
 To change the PIN, press the TEST button for the present PIN, then enter the new PIN. The motor test lights will glow once. Release the TEST button when the motor test lights blink. If you do not hear the code, if light bulbs are not installed, test lights will be heard.
 To set the number of houses this temporary PIN will work, press the number of houses you wish to use, then press the TEST button.
 The motor test lights will glow once when the temporary PIN has been set.
 To set the number of houses this temporary PIN will work, press the number of houses you wish to use, then press the TEST button.
 The motor test lights will glow once when the temporary PIN has been set.

2. Press the temporary 4-digit PIN you have chosen, then press ENTER.
 The motor test lights will blink four times.
 3. To set the number of houses this temporary PIN will work, press the number of houses you wish to use, then press the TEST button.
 The motor test lights will glow once when the temporary PIN has been set.
 To set the number of houses this temporary PIN will work, press the number of houses you wish to use, then press the TEST button.
 The motor test lights will glow once when the temporary PIN has been set.

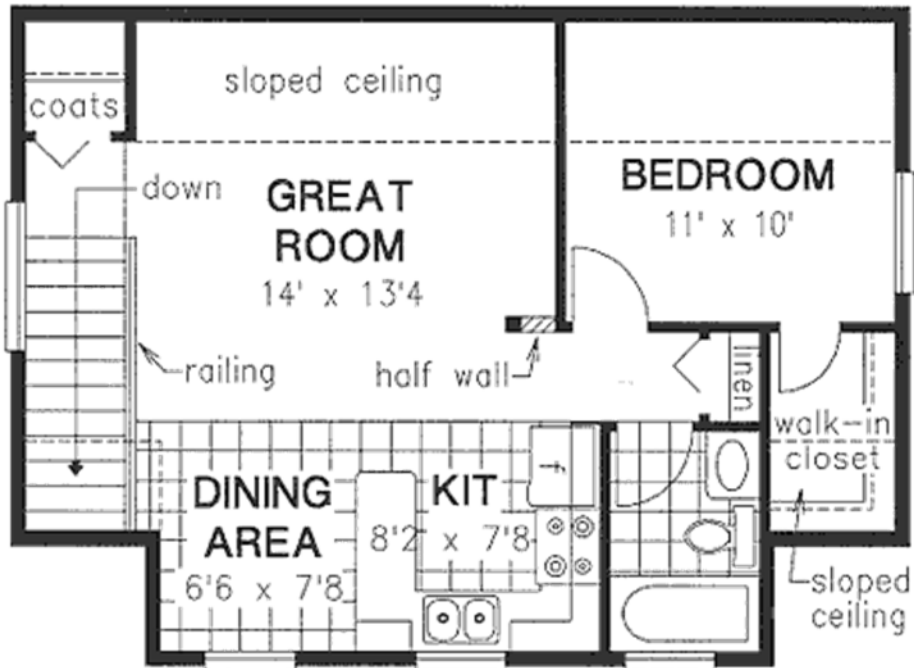
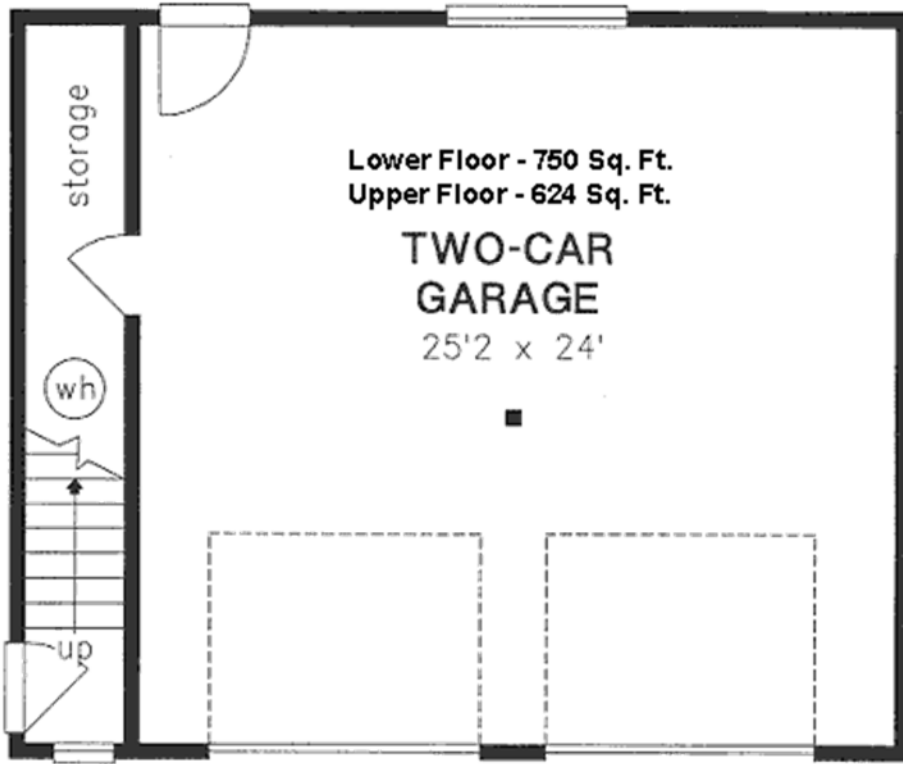
Exhibit 5: Proposed structure Site and Floor Plans



The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or

DEED REF. 1066/B19
TALBOT COUNTY, MD
15 ELECTION DISTRICT
 ADDRESS
311 AUGUST STREET
EASTON, MARYLAND

Dormer to face yard, stairs to face Locust Street, garage entry adjacent to stairs



Advantage Title Company, LLC
File No. AT-93025
Tax ID # 01-005421

This Deed, made this 25th day of January, 2021, by and between **311 August Street, LLC, GRANTOR, and Alan Paul Girard, Jr. and Meredith Lathbury Girard, GRANTEES.**

Talbot County Finance Office
Recordation Tax \$3,420.00
PK 02/16/2021
Prop ID: 01-005421

Witnesseth –

That in consideration of the sum of Two Hundred Eighty-Five Thousand and 00/100 Dollars (\$285,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety unto the survivor of them, his or her heirs 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 parcel of ground situate in Easton, Talbot County, in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at the Northeast corner of said August Street and East Lane a distance of 132 feet to Powell's Alley; thence East with said alley 43 feet to the Western line of the lot now or formerly belonging to Stansbury Bowdle; thence in a Southerly direction with said line of the Stansbury Bowdle lot a distance of 132 feet to the North side of August Street; thence with the North side of said August Street 43 feet to the place of beginning, being Lot No. 17 on a Plat of Powell's Lots.

FOR INFORMATIONAL PURPOSES ONLY:

The improvements thereon being known as 311 August Street, Easton, MD 21601.

Tax ID#: 01-005421

BEING the fee simple property which, by Deed dated October 9, 2018, and recorded October 11, 2018, among the Land Records of the County of Talbot, Maryland, in Liber 2569, folio 483, was granted and conveyed by KEVAN K. FULL, Trustee of the Kevan K. Full Declaration of Trust Dated April 24, 2014 and CHRISTINE M. FULL, Trustee of the Christine M. Full Declaration of Trust Dated April 24, 2014 unto 311 AUGUST STREET, LLC, a Maryland limited liability company.

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 Alan Paul Girard, Jr. and Meredith Lathbury Girard, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

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

TALBOT COUNTY CIRCUIT COURT (Land Records) KMD 2808, p. 0485, MSA_CE91_2747. Date available 02/23/2021. Printed 01/13/2025.

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

[Signature]
Witness

311 AUGUST STREET, LLC

By: [Signature] (SEAL)
Kevan K. Full, Trustee of The Kevan K. Full Trust, dated April 24, 2014, as amended and restated, Member

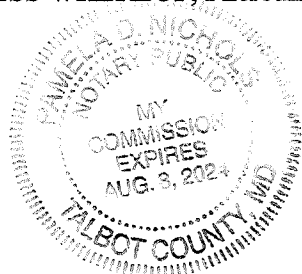
By: [Signature] (SEAL)
Christine M. Full, Trustee of The Christine M. Full Trust, dated April 24, 2014, as amended and rest, Member

[Corporate Seal]

STATE OF MARYLAND }
COUNTY OF Talbot } ss

I hereby certify that on this 19th day of January, 2021 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Kevan K. Full**, Trustee of The Kevan K. Full Trust, dated April 24, 2014, as amended and restated, Member of 311 August Street, LLC, and **Christine M. Full**, Trustee of The Christine M. Full Trust, dated April 24, 2014, as amended and rest, Member of 311 August Street, LLC, and that as such members, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the limited liability company, by themselves as such members and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all, or substantially all, of the property and assets of the limited liability company, giving oath under penalties of perjury that the consideration recited herein is correct.

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



[Signature]
Notary Public

My Commission Expires: 08/08/2024

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.

[Signature]
Kirsten Oliver, Attorney

AFTER RECORDING, PLEASE RETURN TO:
Advantage Title Company, LLC
2037 Liberty Road
Eldersburg, MD 21784

TALBOT COUNTY CIRCUIT COURT (Land Records) KMD 2808, p. 0486, MSA_CE91_2747. Date available 02/23/2021. Printed 01/13/2025.

MARYLAND FORM WH-AR

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

2020

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 311 August Street, LLC

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

311 August Street, Easton, MD 21601

3. Reasons for Exemption

Resident Status

As of the date this form is signed, 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 (principal residence for 2 (two) of the last 5 (five) years) and is currently 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

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

[Handwritten Signature]

311 AUGUST STREET, LLC

Name of Entity

Kevin K. Full, Trustee of The Kevan K. Full Trust, dated April 24, 2014, as amended and restated

Name

**Date

1.19.21

Member

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MARYLAND FORM WH-AR

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

2020

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1. Transferor Information

Name of Transferor 311 August Street, LLC

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers). 311 August Street, Easton, MD 21601

3. Reasons for Exemption

Resident Status [] As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

[X] 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 (principal residence for 2 (two) of the last 5 (five) years) and is currently 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

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

[Handwritten signature]

311 AUGUST STREET, LLC

Name of Entity

[Handwritten signature: Christine M Full]

Christine M. Full, Trustee of The Christine M. Full Trust, dated April 24, 2014, as amended and restated

Name

**Date

1.19.21

Member

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

File No. AT-93025

OWNER OCCUPANCY AFFIDAVIT

Alan Paul Girard, Jr. and Meredith Lathbury Girard, the Grantees in the within Deed hereby certify under the penalties of perjury, as evidenced by the joinder herein, that the lot conveyed in this Deed is residentially improved owner-occupied real property and that the residence will be occupied by us for at least 7 of months of a 12 month period.

WITNESS:

[Signature]
As to All

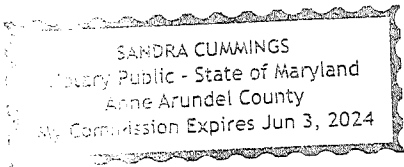
[Signature] (SEAL)
Alan Paul Girard, Jr.

[Signature] (SEAL)
Meredith Lathbury Girard

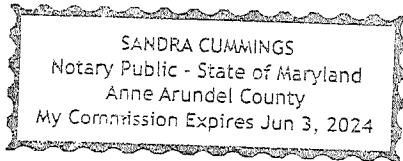
STATE OF MARYLAND, County of Talbot, to wit:

I HEREBY CERTIFY, that on this 25 day of January, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Alan Paul Girard, Jr. and Meredith Lathbury Girard**, the parties herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing to be their act, and in my presence signed and sealed the same.

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



[Signature]
Notary Public
My Commission Expires: 6/3/24



State of Maryland Land Instrument Intake Sheet

Baltimore City County: Talbot

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

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments () Check Box if addendum Intake Form is Attached. 2 Conveyance Type Check Box X Improved Sale Arms-Length [1] Unimproved Sale Arms-Length [2] Multiple Accounts Arms-Length [3] Not an Arms-Length Sale [9]

4 Consideration and Tax Calculations Consideration Amount Purchase Price/Consideration \$ 285,000.00 Any New Mortgage \$ 228,000.00 Finance Office Use Only Transfer and Recordation Tax Consideration

5 Fees Amount of Fees Doc. 1 Doc. 2 Recording Charge \$ 20.00 \$ 20.00 Surcharge \$ 40.00 \$ 40.00 State Recordation Tax \$ 3,420.00 \$ State Transfer Tax \$ 1,425.00 \$ County Transfer Tax \$ 2,350.00 \$ 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

7 Transferred From Doc. 1 - Grantor(s) Name(s) Doc. 2 - Grantor(s) Name(s) 311 August Street, LLC Alan Paul Girard, Jr. Meredith Lathbury Girard

8 Transferred To Doc. 1 - Grantee(s) Name(s) Doc. 2 - Grantee(s) Name(s) Alan Paul Girard, Jr. Robert A Jones, Trustee Meredith Lathbury Girard

9 Other Names to Be Indexed Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional) Wells Fargo Bank, NA

10 Contact/Mail Information Instrument Submitted By or Contact Person Name: Julie Davies Firm: Advantage Title Company, LLC Address: 2037 Liberty Road Eldersburg, MD 21784 Phone: (410) 795-5105

11 Assessment Information X Yes No Will the property being conveyed be the grantee's principal residence? X Yes 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 20 20 Geo. Map Sub Block Land Zoning Grid Plat Lot Buildings Use Parcel Section Occ. Cd. Total Town Cd. Ex. St. Ex. Cd.

Space Reserved for County Validation

TALBOT COUNTY CIRCUIT COURT (Land Records) KMD 2808, p. 0490, MSA_CE91_2747. Date available 02/23/2021. Printed 01/13/2025.



TOWN OF EASTON

14 S. Harrison Street
Easton, Maryland 21601

January 24, 2025

Alan & Meredith Girard
311 August Street
Easton, Maryland 21601

Re: BOZA Application SE-1377 / SE 25-02
311 August Street
Tax Map 0103, Grid 00EA, Parcel 1074
Easton, Maryland 21601

Mr. and Mrs. Girard,

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on ***Tuesday, February 18, 2025 at 9:00 A. M.*** in the Chambers of the Mayor and Council of Easton. You should appear at the above time and place, together with any witnesses you may care to present and be prepared to submit evidence, which will establish:

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

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

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

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

Samantha N. Smith

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



TOWN OF EASTON

14 S. Harrison Street
Easton, Maryland 21601

January 24, 2025

Alan & Meredith Girard
311 August Street
Easton, Maryland 21601

Re: BOZA Application V-1377 / V 25-01
311 August Street
Tax Map 0103, Grid 00EA, Parcel 1074
Easton, Maryland 21601

Mr. and Mrs. Girard,

The above matter has been scheduled for a public hearing before the Town of Easton Board of Zoning Appeals on **Tuesday, February 18, 2025 at 9:00 A. M.** in the Chambers of the Mayor and Council of Easton. You should appear at the above time and place, together with any witnesses you may care to present and be prepared to submit evidence, which will establish:

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

Please be prepared to answer the four listed items above at the time of the Hearing. If there are any restrictions attached to the deed of the property subject to this application, please advise the Board thereof.

Samantha N. Smith

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



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

February 3, 2025

Dear Resident,

The Easton Board of Zoning Appeals will hold a public meeting on **Tuesday, February 18, 2025 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 Alan and Meredith Girard (Applicant) have filed Special Exception Application SE-1377 / SE 25-02, pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, use (1) 101 in Table 2.1 of Section 28-201 to be utilized as an Accessory Dwelling Unit* in the R-7A zoning district. The Applicant is also seeking a Variance (Application V-1377 / V 25-01) pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton from Section 28-302.2.C.3, the minimum 8' side setback for all uses and structures in the R-7A zoning district. The Applicant is seeking to construct a new structure that is best described as a garage with a second floor accessory dwelling unit within the footprint of a detached garage that was destroyed by a fire in December of 2024. The property is located at 311 August Street, Easton, Maryland, also known as Tax Map 0103, Grid 00EA, Parcel 0147, and is situated in the R-7A zoning district. The property is owned by Alan and Meredith Girard.

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



Subject property posting pursuant to Section 28-901.2.H.2 of the Town of Easton Zoning Code - February 3, 2025.

NOTICE

Notice is hereby given that Alan and Meredith Girard (Applicant) have filed Special Exception Application SE-1377 / SE 25-02, pursuant to Section 28-1303.5 B of the Zoning Ordinance of the Town of Easton, use (1) 101 in Table 2.1 of Section 28-201 to be utilized as an Accessory Dwelling Unit* in the R-7A zoning district. The Applicant is also seeking a Variance (Application V-1377 / V 25-01) pursuant to Section 28-1303.5 C of the Zoning Ordinance of the Town of Easton from Section 28-302.2.C.3, the minimum 8' side setback for all uses and structures in the R-7A zoning district. The Applicant is seeking to construct a new structure that is best described as a garage with a second floor accessory dwelling unit within the footprint of a detached garage that was destroyed by a fire in December of 2024. The property is located at 311 August Street, Easton, Maryland, also known as Tax Map 0103, Grid 00EA, Parcel 0147, and is situated in the R-7A zoning district. The property is owned by Alan and Meredith Girard.

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, February 18, 2025 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. Please continue to check our website at <https://eastonmd.gov/129/Agendas-Minutes> for agenda updates.

TOWN OF 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.


29088 Airpark Drive
Easton, MD 21601

CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND
COUNTY OF: Talbot County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "Application SE-1377 / SE 25-02..." was published in the:

The Star Democrat 02/01/25


James F. Normandin
President & Publisher

NOTICE

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TOWN OF EASTON BOARD OF ZONING APPEALS

3072860 SD

2/1/2025