

TC 818-06 Hall - Davies  
Spec. Except. 1447

MSA. 5. 1829-6127

Comments 11/3/07

6/29/07 MY

3/07/08 NK

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 5, 2008

Ms. Chris Corkell  
Talbot County Office of Planning and Zoning  
28712 Glebe Road, Suite 2  
Courthouse  
Easton, Maryland 21601

Re: 1489  
Hall-Davies Variance

Dear Ms. Corkell:

Thank you for providing information on the above referenced variance request. The applicant requests a variance to the 100-foot Buffer to retain an existing gravel walkway, which is located 7.9 feet from Mean High Water. The property is 1.01 acres in size and is designated as a Limited Development Area (LDA). Due to the location of 756 square feet of State-owned tidal wetlands onsite, total developable area is 0.99 acres. Currently, the property is developed with a gravel path that leads to a pier. Total impervious surface is 685.76 square feet (1.5%). The applicant proposes to maintain the existing gravel pathway instead of removing the pathway or replacing it with mulch or another pervious material.

Based on the information provided, we cannot support a variance to maintain the existing gravel pathway that leads to the pier, as Talbot County does not permit man-made disturbances, such as walkways, that are constructed of gravel within the 100-foot Buffer. We acknowledge that the applicant has the right to shoreline access, and that the applicant requires reasonable means to access the existing pier. Therefore, Commission staff recommends that the applicant replace the gravel pathway with mulch or pervious wooden boards, and mitigate for any disturbances to the 100-foot Buffer at a 2:1 ratio. It appears that an opportunity exists within the Buffer to accommodate the mitigation plantings.

Thank you for the opportunity to provide comments on this Board of Appeals variance request. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly  
Natural Resource Planner  
TC 818-06

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
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October 2, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: 1447  
Hall & Davies-Subdivision

Dear Ms. Verdery:

Thank you for providing the information on the above referenced subdivision application. The applicant proposes a two-lot subdivision on a parcel designated as a Limited Development Area (LDA). The total size of the parcel is 1.35 acres (58,806 square feet). A total of five development rights are permitted on site; two are utilized, and three will remain available on Lot 2. Lot 1 is developed with a two-story dwelling with a deck, gravel driveway, shed, and brick walkway. Lot 2 includes a shed and a gravel path that leads to a pier. Total impervious surface on Lot 1 is 2,665.34 square feet (17.8%) and 785.76 square feet (1.7%) for Lot 2. The impervious amount existing on both lots fall under the 25% permitted.

Based on the information provided, we have the following comments on this project.

1. Based on this subdivision plan, Lot 1 will have no riparian rights or access.
2. Lot 2 should be created to have a sufficient buildable area so that a need for variances in the future is eliminated.
3. No new development will be permitted in the Buffer area for proposed Lot 2.
4. It has come to our attention from Elisa DeFlaux of Talbot County Planning and Zoning that there is a discrepancy in regards to the delineation of the wetlands located on this parcel. The applicant claims that portions of the wetlands onsite are nontidal. According to the 1972 NWI wetlands maps, however, all wetlands located onsite are tidal in nature. In order to change the delineation of tidal wetlands to nontidal, a map amendment is required from the Maryland Board of Public Works. The applicant should contact Mr. Doldon Moore at the Maryland Board of Public Works (410-260-7764) to learn more about the procedures necessary to amend these maps. The determination of the amount

of tidal wetlands located onsite will greatly affect the amount of buildable land available on Lot 1.

Thank you for providing the opportunity to comment on this project. If you have any questions, feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly  
Natural Resource Planner  
TC 818-06

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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(410) 260-3460 Fax: (410) 974-5338  
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June 29, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: 1447  
Hall & Davies-Subdivision

Dear Ms. Verdery:

Thank you for providing the information on the above referenced subdivision application. The applicant proposes to build a two-lot subdivision on a parcel zoned as a Limited Development Area (LDA). Total size of the parcel is 1.35 acres (58,806 square feet). A total of five development rights are permitted on site; two are utilized, and three will remain available on Lot 2. Lot 1 is developed with a two-story dwelling with a deck, gravel driveway, shed, and brick walkway. Lot 2 includes a shed and a gravel path that leads to a pier. Total impervious surface on Lot 1 is 2,665.34 square feet (17.8%) and 785.76 square feet (1.7%) for Lot 2. The impervious amount existing on both lots fall under the 25% permitted.

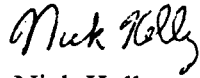
Based on the information provided, we have the following comments on this project.

1. Required forest in the Critical Area should be 8,559.54, not 85,559.54. If forest is cleared in the future for this project, then mitigation will be required.
2. Based on this subdivision plan, Lot 1 will have no riparian rights or access.
3. Lot 2 should be created to have a sufficient buildable area so that a need for variances in the future is eliminated.
4. No new development will be permitted in the Buffer area for proposed Lot 2.
5. The tidal wetlands classification table on the site plan mentions that, of the total amount of tidal wetlands on-site (3,594.04 square feet), half is privately owned and consists of marshelder/groundsel bush, and half is state-owned and consists of smooth cordgrass. Seeing this total split in half raises concerns about the accuracy of this delineation. Please have the applicant perform a proper delineation of how much wetlands is private and state-owned in order to

determine the total buildable area for this property and, in turn, to determine the impervious surface allowed for Lot 2.

Thank you for providing the opportunity to comment on this project. If you have any questions, feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly  
Natural Resource Planner  
TC 818-06



STATE OF MARYLAND  
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January 29, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Appeal #1447 Hall/Davies

Dear Ms. Verdery:

Thank you for providing information regarding the above referenced special exception. The applicant is requesting a special exception in order to retain the existing pier on undeveloped Lot 2 once the existing property is subdivided. The property lies within a designated Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Based on the information provided, it is my understanding that the County's ordinance does not permit the construction of an accessory structure on a parcel without an accompanying primary dwelling. The existing parcel of record is developed with a primary dwelling and an accessory pier. However, the applicant is proposing to subdivide the property in the near future to create a second lot. The existing pier would then lie on the newly created and undeveloped lot, thereby requiring a special exception. In regard to the special exception request, this office has no concerns. However, please advise the applicant that this office does have concerns regarding the limits of wetlands shown on the site plan and the resulting limit of the 100-foot Buffer. While these concerns may impact the amount of area available for development on proposed Lot 2, it is my understanding that the proposed subdivision and/or lot line revision request will be reviewed under a separate review process. As such, this office will provide additional comments on the specific development proposal at the subdivision review stage.

Thank you for the opportunity to provide comments for this special exception request. If you have any questions, please call me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC818-06

818-06



TALBOT COUNTY BOARD OF APPEALS

28712 GLEBE ROAD, SUITE 2  
EASTON, MARYLAND 21601

FAX: 410-770-8043  
TTY: 410-822-8735

PHONE: 410-770-8040

April 15, 2008

Critical Area Commission  
Nick Kelly  
1804 West Street  
Annapolis, MD 21401

RE: DECISION ON BOARD OF APPEALS #1489 Frona Hall & Patricia Davies

Dear Mr. Kelly,

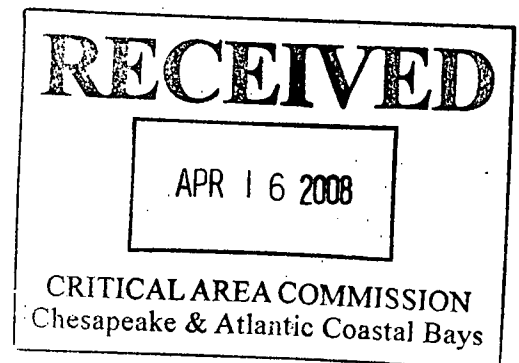
Enclosed please find a copy of the signed Board of Appeals decision on the above referenced project. Please note that there is a 30 day appeal period with the Circuit Court from the date the decision was signed.

Should you have any questions in reference to this appeal please call the Board of Appeals office.

Sincerely,

Chris Corkell  
Administrative Assistant

Enclosure





DECISION  
TALBOT COUNTY BOARD OF APPEALS  
Appeal No. 1489

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., March 24, 2008, on the application of **FRONA G. HALL and PATRICIA DAVIES** ("Applicants"). The Applicants are seeking a variance of the 100-foot shoreline development buffer for an existing gravel walkway 7.9 feet from mean high water at its closest point. The property is located at 21540 Chicken Point Road, Tilghman, Maryland 21671 and is in the Village Center/Critical Area (VC/CA) zone. It is owned by the Applicants. The request is made in accordance with Chapter 190 Zoning, Article X, §190-61D(3); §190-93E(3)(c); and Article XIV, §190-104 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman, Phillip Jones, Vice Chairman, Rush Moody, Betty Crothers, and John Sewell. Bruce C. Armistead, Esquire, and Carmen Farmer, Esquire, both of Easton, Maryland, represented the Applicants. Glenn D. Klakring was the attorney for the Board of Appeals.

It was noted for the record that all members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for variance with Attachment A.
2. Copy of a portion of the Talbot County tax map with the property highlighted.
3. Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star-Democrat.
5. Notice of hearing with a list of nearby property owners attached.
6. Copy of critical area variance requirements from the Code with the Applicants' response to each applicable requirement.

7. Staff memorandum.
8. Sign maintenance agreement.
9. Site plan prepared by Lane Engineering, LLC.
10. Site plan showing gravel path and wetlands.
11. Critical Area Commission letter from Nick Kelly, dated March 5, 2008.
12. Disclosure and Acknowledgement Form.
13. Aerial photograph.
14. Photograph of the gravel walkway.
15. Copy of minutes, Appeal No. 1447.
16. Letter from Elisa Deflaux, Environmental Planner.
17. Letter from Virginia Watson, dated March 21, 2008.

Mr. Armistead advised that the owners had previously applied for a subdivision of their property into a waterfront lot and a non-waterfront lot. During a site visit to the property, County staff identified the existing gravel walkway as a new structure or impervious surface in the critical area shoreline buffer. He said that the owners believe that the walkway existed prior to 1989 and, if so, would be permitted as preexisting structure. However, the owners could not prove the walkway's existence prior to 1989 and they are seeking a variance for the existing gravel walkway.

Mr. Armistead offered a copy of the December 18, 2007 letter from the Talbot County Office of Planning and Zoning advising the Applicants that they must obtain a variance for the gravel walkway or remove it. The letter was admitted as Applicants' Exhibit No. 1. He also offered a photocopy of a 1988 aerial photograph of the property. He said the photograph appears to show that a walkway existed on the property for many years although its location may have changed. The 1988 aerial photograph was admitted as Applicants' Exhibit No. 2. Mr. Armistead also offered a 2006 aerial photograph of the area

with previously identified wetlands superimposed on the photograph. It was admitted as Applicants' Exhibit No. 3.

Mr. Armistead said that the Applicants purchased their property in August 2001 before a major hurricane caused substantial damage to it and surrounding properties. What had previously been a oyster shell walkway was washed away by the hurricane. Following the storm the Applicants did extensive cleanup and repair of their property and they attempted to replace the oyster shell walkway. They found that oyster shells were not available and so they decided to use pea gravel instead.

He said a mulch walkway as suggested by the Critical Area Commission would not be practical because it would be periodically washed away by abnormal high tides. The suggested elevated walkway would not be in-keeping with the surrounding properties.

The Applicant, Frona G. Hall, testified in support of her application. She confirmed that she was a co-owner and that they had purchased the property in August 2001. She said that one of the main attractions of the property was the existing pathway to the dock. Hurricane Isabel did major damage to the shoreline and they spend over \$10,000.00 to restore the shoreline and replant native grasses and other plantings. They wanted to restore the oyster shell pathway but found that they could no longer obtain oyster shells.

Ms. Hall said that they have always been sensitive to the environment and runoff issues. For example, they do not use any chemicals for weeding their property. She was also concerned that the removal of the gravel might cause unintended damage to the shoreline.

There being no further evidence the Board of Appeals considered the variance request. After some discussion a motion was made and seconded to deny the variance. The motion to deny the proposed variance was approved by a vote of three to one with one member abstaining. Specifically, the Board found that:

1. No special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of the ordinance result in unwarranted hardship to the property owners. The Board could not find that the denial of the variance for a gravel walkway within the 100-foot buffer would deny the Applicants reasonable and significant use of the entire parcel or lot property. Further, they have alternative means to create a walkway in a manner consistent with the requirements of the Critical Area laws and regulations. (The Applicants presented some evidence that the walkway existed prior to 1989 and it should have been permitted as a "grandfathered" structure. However, they candidly admitted that they could not prove its continued existence from before 1989. The Applicants did not appeal the conclusion of the Talbot County Office of Planning and Zoning that there was insufficient evidence of the existence of a gravel path prior to 1989. In any event, evidence that the path's existence might have preceded the enactment of the Critical Area laws does not provide the proof necessary for a variance of those laws and the Applicants did not suggest that it did.)
2. A literal interpretation of the ordinance would not deprive the property owners of rights commonly enjoyed by other property owners in the same zone.
3. The granting of the variance would confer upon the property owners a special privilege that would be denied by the ordinance to other owners of lands or structures within the same zone.
4. The variance request is based upon conditions or circumstances which are the result of the action of the Applicants. The Applicants created the need for the variance by placing the gravel walkway in the 100-buffer.
5. The granting of the variance might adversely affect water quality or adversely impact fish, wildlife or plant habitat, and the granting of the variance will not be in harmony with

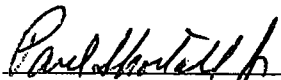
the general spirit and intent of the Critical Area Law, the Talbot County Critical Area Program and the Critical Area provisions of the Code.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

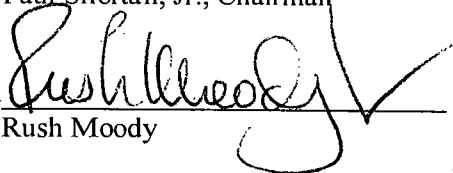
RESOLVED, that the Applicants, **FRONA G. HALL and PATRICIA DAVIES** (Appeal No. 1489) are **DENIED** the requested variance.

GIVEN OVER OUR HANDS, this 14th day of April, 2008.

**TALBOT COUNTY BOARD OF APPEALS**

  
\_\_\_\_\_  
Paul Shortall, Jr., Chairman

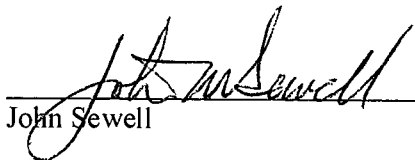
  
\_\_\_\_\_  
Phillip Jones, Vice Chairman

  
\_\_\_\_\_  
Rush Moody

The undersigned member would have granted the requested variance and voted against the motion to deny the variance.

  
\_\_\_\_\_  
Betty Crothers

The undersigned member abstained from voting on the motion.

  
\_\_\_\_\_  
John Sewell

818-06



**TALBOT COUNTY BOARD OF APPEALS**

COURT HOUSE  
11 N. WASHINGTON STREET  
EASTON, MARYLAND 21601  
410-770-8040  
TTY: 410-822-8735

March 27, 2007

Critical Area Commission  
Kerrie Gallo  
1804 West Street  
Annapolis, MD 21401

RE: DECISION ON BOARD OF APPEALS #1447, Frona Hall & Patricia Davies

Dear Ms. Gallo,

Enclosed please find a copy of the signed Board of Appeals decision on the above referenced project. Please note that there is a 30 day appeal period with the Circuit Court from the date the decision was signed.

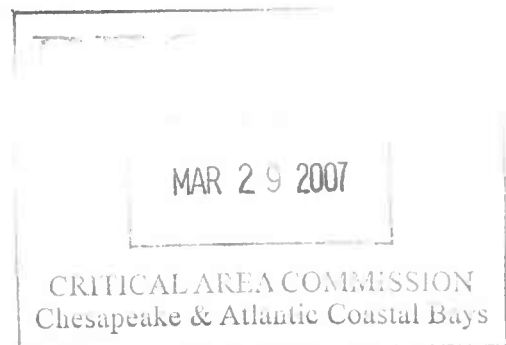
Should you have any questions in reference to this appeal please call the Board of Appeals office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Corkell".

Chris Corkell  
Administrative Assistant

Enclosure



**MINUTES OF PUBLIC HEARING**  
**TALBOT COUNTY BOARD OF APPEALS**  
**SPECIAL EXCEPTION - Appeal No. 1447**

Pursuant to due notice, in accordance with Chapter 190 Zoning, Article XIV § 190-112 of the Talbot County Code, a public hearing was held by the Talbot County Board of Appeals (hereinafter referred to as the "Board") at the Bradley Meeting Room, Courthouse, South Wing, 11 North Washington Street, Easton, Maryland, beginning promptly at 7:30 p.m., Monday, February 26, 2007, on the application for special exception (hereinafter referred to as the "Application") of Frona G. Hall & Patricia Davies (hereinafter individually, jointly, collectively and severally referred to as the "Applicant"). The proceedings were recorded.

Applicant is requesting a special exception to allow the private pier to remain on a lot to be created in a new subdivision (lot 18), which lacks a residence. (hereinafter referred to as "Proposed Use"). The Property is located at 21540 Chicken Point Road, Tilghman Maryland 21671 and contains, before the proposed subdivision, 1.407 acres Tax Map 44A, Parcel 23 (hereinafter referred to as the "Property").

It is proposed that the Property be subdivided into two (2) parcels: one waterfront unimproved parcel consisting of 1.010 acres and one inland parcel containing 0.397 acres. The existing dock will go with the unimproved lot, which violates the Talbot County Zoning Ordinance and Subdivision Regulations. Applicants acknowledge that having a dock on an unimproved lot will be a violation of subdivisions until such time, if any, that they or their successors and assigns build a residence on the new lot.

The Property is zoned Village Center/Critical Area zone (VC/CA). The Application is made in accordance with Chapter 190 Zoning, Article V, §190-21 and Article XIV § 190-105 of the Talbot County Code (hereinafter referred to as "Code").

Present at the hearing were Board members: Paul Shortall, Jr., Chairman, Phillip Jones, Jr., Vice-Chairman, Jack K. Sun, Betty Crothers and John Sewell

It was noted for the record that all members of the Board had visited the Property. All potential witnesses were duly sworn. Applicant was represented by Attorney Bruce C. Armistead. The attorney for the Board was Alexander Gordon, IV, 8615 Commerce Drive #1, Easton, Maryland 21601.

The following exhibits were offered and entered into evidence as Board's Exhibits:

1. Application for Hearing with Attachment A.
2. Tax Map Tracing verified by Applicant.
3. Appeals Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star Democrat.
5. Notice of hearing with a list of nearby property owners attached thereto.
6. Burden of Proof Requirements - Questions and Answers
7. Staff Memorandum - revised January 16, 2007
8. Staff Memorandum and aerial photo
9. Planning Commission comments
10. Critical Area Commission dated January 29, 2007.
11. Sign Maintenance Agreement
12. Site Plan

In his opening remarks Attorney Armistead introduced the Applicants and explained the general nature of the Property, improvements, and relief requested. Applicants have owned the Property since 2001. Applicants are not seeking subdivision approval. They seek permission that would allow the existing dock located on a parcel without a principal residence. The lot will have a shed



and a dock. Applicants are requesting a special exception to allow them to proceed with the subdivision of the Property and to allow the existing dock to remain on an unimproved lot.

Applicant then testified and confirmed the opening remarks by Counsel. Applicant testified as to each issue that must be addressed to support the relief requested and confirmed the responses filed to the burden of proof requirements. Applicant confirmed that the dock is typical of docks in the area and does not present a navigation problem. Applicants testified that they have no present plans to lease the dock. Applicant's Exhibit A is a Google photograph showing the dock.

No neighbors were present and there was no opposition to the request. Members of the Board then discussed the Proposed Use.

The Board considered the application, evidence, exhibits and testimony, and, prior to adjourning, upon motion duly made and seconded, publicly made the following findings of fact and law, by a preponderance of the evidence of record, that all legal requirements pertaining to a public meeting were met and that:

- a. The Proposed Use is consistent with the purposes and intent of the Talbot County Comprehensive Plan and complies with the standards of the land use district in which it is located, except as those standards may have been modified by authorizing the special exception use, or by granting a variance.
- b. The Proposed Use is designed to be compatible in terms of scale, bulk and general appearance with adjacent land uses and with existing and potential uses.
- c. The Proposed Use provides for the avoidance of significant adverse impacts on the surrounding area with regard to trash, odors, noise, glare, vibration, air and water pollution and other health and safety factors or environmental disturbances.
- d. The Proposed Use is compatible with the pattern of existing developed land use in the vicinity and will not be detrimental to the use, peaceful enjoyment, or economic value of existing neighboring property.
- e. The Proposed Use will not be such as to create a nuisance to other properties in the vicinity,

or their occupants, nor will it be a hazard to public health, safety or welfare.

- f. The Proposed Use will not have a significant adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.
- g. The Proposed Use will not have a significant adverse impact upon marine, pedestrian, or vehicular traffic.
- h. The proposed use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County.
- i. Any vehicle access to proposed off-street parking areas and drive-in facilities shall be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to developed residential area.
- j. The Proposed Use will not significantly adversely affect wildlife and/or marine life with respect to the site's vegetation or water resource in supplying food, wildlife and/or marine life.
- k. The Proposed Use will not adversely affect any adjacent existing agricultural uses.

The Applicant and his successors are bound by the testimony and exhibits presented in support of the application and by the representations of the Applicant's agents and attorneys to the extent that they are set forth or incorporated by reference in the Board's decision. The applicant and his successors consent to entry by the County and its agents at reasonable times, upon reasonable advance notice, to determine initial and ongoing compliance with the terms, conditions, restrictions, and limitations of the Board's approval. This Application shall be implemented within 18 months unless a timely request for extension is made, necessary application of extension fees are paid, and the relief requested is granted by the Board.

Pursuant to the Staff Memorandum dated February 26, 2007, the Board conditions its approval on the successful subdivision and recordation of the subdivision plat, and that any other accessory structures located on proposed Lot 2 not disclosed in the application to the Board of Appeals for consideration be removed from said lot prior to approved subdivision recordation.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE

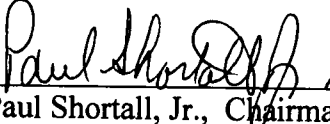
TALBOT COUNTY BOARD OF APPEALS,


RESOLVED, that the Applicants are **GRANTED** a special exception for the Proposed Use consistent with the evidence submitted to the Board of Appeals.

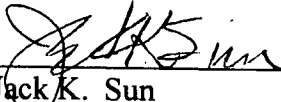
The vote of the Board was **five to zero in favor** of the motion to grant the requested special exception.

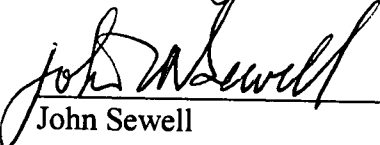
GIVEN OVER OUR HANDS, this 26th day of March, 2007.

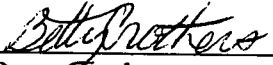
TALBOT COUNTY BOARD OF APPEALS

  
Paul Shortall, Jr., Chairman

  
Phillip Jones, Vice-Chairman

  
Jack K. Sun

  
John Sewell

  
Betty Crothers



OWNER: TAX PARCEL 23  
FRONA G. HALL AND PATRICIA DAVIES  
21540 CHICKEN POINT ROAD  
TILGHMAN, MARYLAND 21676  
PHONE: (202) 869-3908  
DEED REFERENCE: 1419/445

NOTE: THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

ZONING CLASSIFICATION: VC (VILLAGE CENTER: CRITICAL AREA)  
MINIMUM LOT SIZE: 10,000 SQ. FT.  
BUILDING RESTRICTIONS: FRONT: 25'  
SIDE: 10'  
REAR: 20'  
NON-TIDAL WETLANDS BUFFER: 25'  
MEAN HIGH WATER/TIDAL WETLANDS BUFFER: 100'

**FLOOD ZONE INFORMATION**

THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "AS(EL 6)" LOCATED WITHIN THE COASTAL FLOOD PLAN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND. THEREFORE, MANDATORY FLOOD INSURANCE IS REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, D.C. AS SHOWN ON FEMA MAP COMMUNITY MAP NO. 240066-0035 A.

**FLOOD PLAIN LEGEND**  
A - 100 YEAR FLOOD ZONE  
B - 500 YEAR FLOOD ZONE  
C - AREA OF MINIMAL FLOODING

THE FLOOD ZONE "A" PORTION OF THE PROPERTY WOULD BE INUNDATED BY A FLOOD HAVING A ONE-PERCENT CHANCE OF OCCURRENCE IN ANY GIVEN YEAR. THEREFORE, ANY NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT ON THE PROPERTY IS SUBJECT TO FEDERAL, STATE, AND LOCAL REGULATIONS.

**PROPERTY OWNER DECLARATION:**

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS, WHICH HAVE BEEN OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS AS SHOWN ON THIS APPLICATION ARE BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLAND DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS, WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.

PRIOR TO CONSTRUCTION OF IMPROVEMENTS, THE OWNER SHALL CONTACT THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS, SANITARY DISTRICT FOR SANITARY SEWER CONNECTION DETAILS AND APPLICABLE FEES.

WE, FRONA G. HALL AND PATRICIA DAVIES, OWNERS OF TAX PARCEL 23, AS SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

FRONA G. HALL DATE \_\_\_\_\_  
THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

NOTARY \_\_\_\_\_

PATRICIA DAVIES DATE \_\_\_\_\_  
THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

NOTARY \_\_\_\_\_

**TALBOT COUNTY OFFICE OF PLANNING AND ZONING**

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE LANDS OF FRONA G. HALL AND PATRICIA DAVIES, PREVIOUSLY RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY IN LIBER 1419, FOLIO 445.

PLANNING OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

\*NOTE: LOT 2 IS SUBJECT TO A PERPETUAL RIGHT GRANTED TO THE UNITED STATES OF AMERICA TO DEPOSIT CERTAIN EXCAVATION MATERIAL ABUTTING THE CHANNEL OF KNAPP'S NARROWS AS SET FORTH IN AN INSTRUMENT FROM O. ELLIS JONES DATED NOVEMBER 16, 1933 AND RECORDED AT LIBER NO. 232, FOLIO 562 AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND.

**TALBOT COUNTY HEALTH DEPARTMENT**

LOTS 1 AND 2 ARE APPROVED FOR COMMUNITY SEWER AND INDIVIDUAL WATER SUPPLY AND THEIR USE IS IN ACCORDANCE WITH THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03. THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THE INDIVIDUAL WATER SUPPLY WHEN COMMUNITY WATER BECOMES AVAILABLE.

HEALTH OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

**TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS**

A UTILITY AND DRAINAGE RIGHT-OF-WAY AND EASEMENT SHALL BE PROVIDED IN AND OVER STRIPS OF LAND FIFTEEN (15) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY ROAD, FIFTEEN (15) FEET IN WIDTH (7.5 FEET ON EITHER SIDE) CENTERED ON ALL NEW LINES OF DIVISION AND TEN (10) FEET IN WIDTH ALONG EXISTING BOUNDARY LINES (ENTIRELY ON SUBJECT PARCEL) NOT CONTIGUOUS TO ANY ROAD, EXCEPT AS SHOWN HEREON.

THESE PARCELS SHALL BE DEVELOPED IN ACCORDANCE WITH THE "2000 MARYLAND STORMWATER DESIGN MANUAL", AND THE TALBOT COUNTY STORMWATER MANAGEMENT CODE.

THE 50' WIDE SHARED ACCESS EASEMENT SHALL BE CLASSIFIED AS A PRIVATELY OWNED DRIVEWAY FOR WHICH THE COUNTY HAS NO RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE OR SAFETY. BUILDING PERMITS FOR THE LOTS SERVED BY THE ACCESS EASEMENT MAY BE RESTRICTED UNTIL ENTRANCE SPECIFICATIONS AT THE PUBLIC ROAD RIGHT-OF-WAY ARE MET IN ACCORDANCE WITH PROVISIONS OF THE TALBOT COUNTY CODE.

COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**DEVELOPMENT RIGHTS CALCULATIONS**

TAX PARCEL 23  
TOTAL AREA= 1.35 AC± (BEFORE SUBDIVISION)  
AREA TAKEN OUT FOR STATE OWNED WETLANDS = 756 SQ. FT.  
AREA USED TO DETERMINE DENSITY = 1.33 AC ± (57,935 SQ. FT.)  
DEVELOPMENT RIGHTS PERMITTED= 5 @ 1 DU/10,000 SF WITH SEWER  
DEVELOPMENT RIGHTS UTILIZED= 2 (LOTS 1 AND 2)  
DEVELOPMENT RIGHTS REMAINING= 3 (ASSIGNED TO LOT 2)

NOTE: DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

**IMPERVIOUS AREA CALCULATIONS IN CRITICAL AREA:**

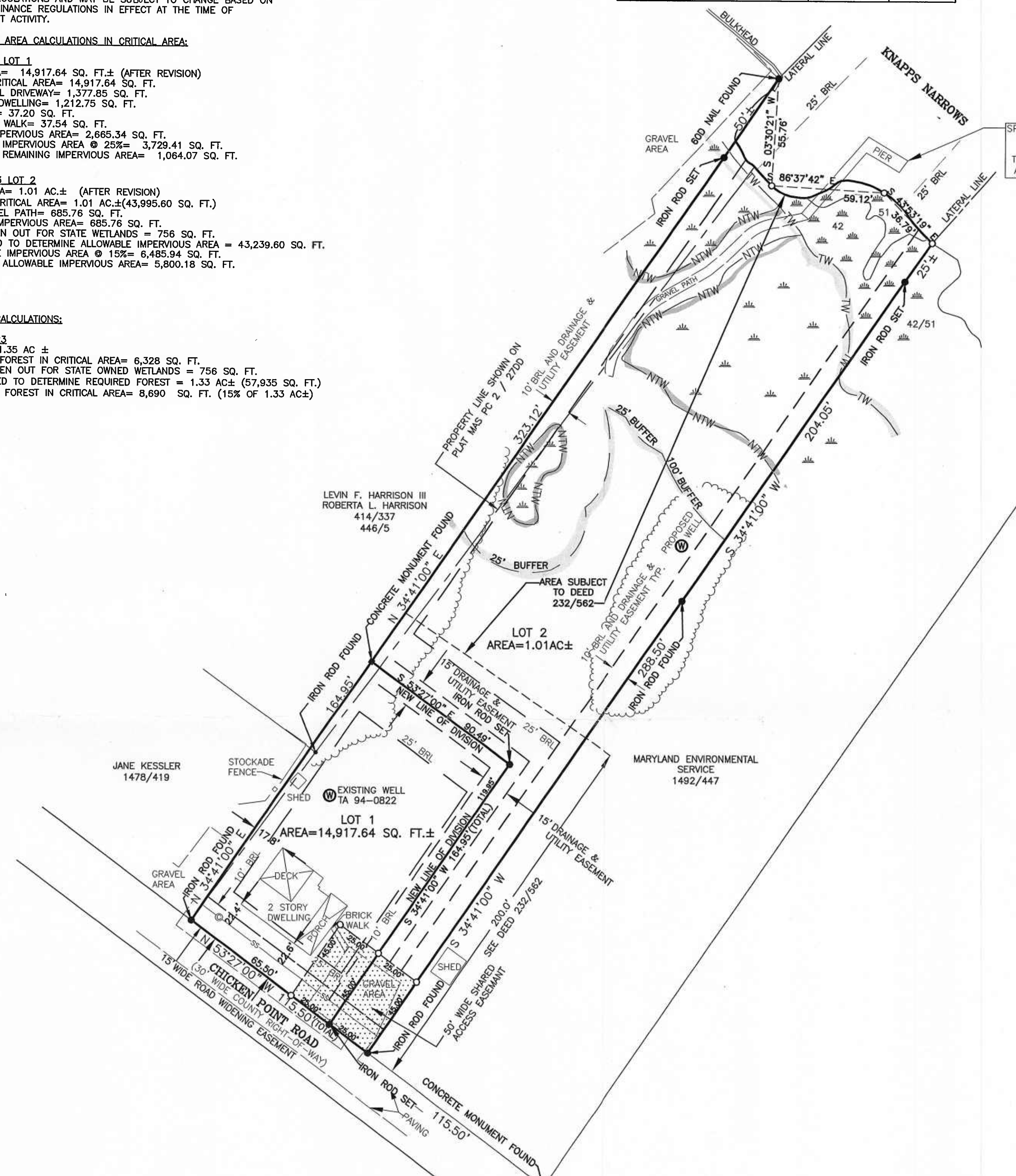
PARCEL 23 LOT 1  
TOTAL AREA= 14,917.64 SQ. FT.± (AFTER REVISION)  
AREA IN CRITICAL AREA= 14,917.64 SQ. FT.  
GRAVEL DRIVEWAY= 1,377.85 SQ. FT.  
MAIN DWELLING= 1,212.75 SQ. FT.  
SHED= 37.20 SQ. FT.  
BRICK WALK= 37.54 SQ. FT.  
EXISTING IMPERVIOUS AREA= 2,665.34 SQ. FT.  
ALLOWABLE IMPERVIOUS AREA @ 25%= 3,729.41 SQ. FT.  
ALLOWABLE REMAINING IMPERVIOUS AREA= 1,064.07 SQ. FT.

PARCEL 23 LOT 2  
TOTAL AREA= 1.01 AC± (AFTER REVISION)  
AREA IN CRITICAL AREA= 1.01 AC±(43,995.60 SQ. FT.)  
GRAVEL PATH= 685.76 SQ. FT.  
EXISTING IMPERVIOUS AREA= 685.76 SQ. FT.  
AREA TAKEN OUT FOR STATE WETLANDS = 756 SQ. FT.  
AREA USED TO DETERMINE ALLOWABLE IMPERVIOUS AREA = 43,239.60 SQ. FT.  
ALLOWABLE IMPERVIOUS AREA @ 15%= 6,485.94 SQ. FT.  
REMAINING ALLOWABLE IMPERVIOUS AREA= 5,800.18 SQ. FT.

**FOREST CALCULATIONS:**

PARCEL 23  
AREA = 1.35 AC ±  
EXISTING FOREST IN CRITICAL AREA= 6,329 SQ. FT.  
AREA TAKEN OUT FOR STATE OWNED WETLANDS = 756 SQ. FT.  
AREA USED TO DETERMINE REQUIRED FOREST = 1.33 AC± (57,935 SQ. FT.)  
REQUIRED FOREST IN CRITICAL AREA= 8,690 SQ. FT. (15% OF 1.33 AC±)

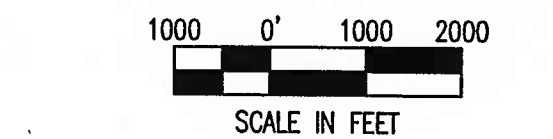
TIDAL WETLAND CLASSIFICATION TABLE		
CLASSIFICATION	AREA	OWNERSHIP
42-MARSH/ELDER/GROUNDESEL BUSH	2,838 SF±	PRIVATE
51-SMOOTH CORDGRASS	756 SF±	STATE



SPECIAL EXCEPTION GRANTED FOR PIER ON BY TALBOT COUNTY BOARD OF APPEALS APPEAL # 1447.



VICINITY MAP



SCALE IN FEET  
Copyright of the ADC Map People  
Permitted Use No. 20992180  
(ADC MAP No. 16)

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	08/14/07	PER 7/11/07 TAC COMMENTS	JMC

RECEIVED

SEP 25 2007  
CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

**GENERAL NOTES**

THIS DEVELOPMENT MAY CONTAIN THREATENED OR ENDANGERED SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT AS AMENDED. THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE ADMINISTRATORS REGULATIONS DESIGNED TO PROTECT THESE THREATENED AND ENDANGERED SPECIES AND THEIR HABITATS. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL DETERMINATIONS CONCERNING THE EFFECT OF THE DEVELOPMENT ON THESE SPECIES AND THEIR HABITATS RESTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING ALL PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE.

BY ACCEPTANCE OF THE DEED TO THIS PROPERTY, EACH LOT OWNER OR THEIR SUCCESSORS OR ASSIGNS, HEREBY ACKNOWLEDGE THAT THEY ARE AWARE THAT THE PROPERTY BORDERS ON PROPERTY UNDER AGRICULTURAL USE AND THAT THE NORMAL FARMING OPERATIONS ON SUCH AGRICULTURAL LAND MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY, SUCH AS ODOR, DUST, NOISE, AND DRIFT OF HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.

CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY THE TALBOT COUNTY PLANNING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410-770-8030) FOR MORE INFORMATION.

ANY LAND CLEARING, GRADING OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF TALBOT COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE TALBOT COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THAT STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05

REMOVAL OF NATURAL VEGETATION WITHIN THE 100 FOOT SHORELINE DEVELOPMENT BUFFER IS PROHIBITED. CUTTING AND/OR MOWING OF NATURAL VEGETATION WITHIN THE BUFFER IS SUBJECT TO REVIEW BY THE PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING AT (410) 770-8030 FOR FURTHER INFORMATION.

DEVELOPMENT ACTIVITIES FOR NEW WATER-DEPENDENT FACILITIES SHALL BE DESIGNED, STAGED AND TIMED TO AVOID SIGNIFICANT DISTURBANCE TO HISTORIC WATERFOWL STAGING AND CONCENTRATION AREAS DURING THE WINTER SEASON.

REASONABLE EFFORT WILL BE MADE TO LIMIT CONSTRUCTION IN FOREST HABITAT AREAS TO THE NON-BREEDING SEASON FOR FOREST INTERIOR DWELLING BIRDS (SEPTEMBER-APRIL). CONSTRUCTION WILL BE DESIGNED TO MINIMIZE BIRD CLEARING AND MAINTAIN A CLOSED CANOPY OVER DRIVEWAYS IF POSSIBLE.

TIDAL AND NON-TIDAL WETLANDS SHOWN HEREON WERE FIELD DELINEATED BY LANE ENGINEERING, LLC ON 4-13-07.

THE 100 FOOT SHORELINE DEVELOPMENT BUFFER ON LOT 2, AS SHOWN HEREON, SHALL BE ESTABLISHED IN THREE TIER NATURAL VEGETATION UPON CHANGE OF LAND USE. A FOREST PRESERVATION PLAN SHALL BE SUBMITTED TO THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING FOR REVIEW AND APPROVAL.

**LEGEND**

- INDICATES TIDAL WETLANDS
- INDICATES NON TIDAL WETLANDS
- TW- INDICATES EDGE OF TIDAL WETLANDS
- NTW- INDICATES EDGE OF NON-TIDAL WETLANDS
- O INDICATES A COMPUTED POINT(NOT SET)
- INDICATES 50' WIDE SHARED ACCESS EASEMENT
- SS- INDICATES SEWER CLEANOUT AND LOCATION OF SEWER LINE

**Lane Engineering, LLC**

Established 1986  
Civil Engineers • Land Planning • Land Surveyors  
117 Bay St. Easton, MD 21601 (410) 822-8003  
15 Washington St. Cambridge, MD 21613 (410) 221-0818  
1140 West Water St. Centreville, MD 21617 (410) 758-2995

NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND DATED:

SEAL \_\_\_\_\_  
DATE \_\_\_\_\_

**MINOR SUBDIVISION PLAT**

FOR  
FRONA G. HALL & PATRICIA DAVIES  
IN THE FIFTH ELECTION DISTRICT  
TALBOT COUNTY, MARYLAND  
TAX MAP 44A PARCEL 23

ISSUED FOR: \_\_\_\_\_ DATE: \_\_\_\_\_ BY: \_\_\_\_\_

RECEIVED  
AUG 20 2007

TAC Oct. 10, 2007

SHEET No. 01 OF 01  
JOB No. 070169  
FILE No. A875

THOMAS D. LANE  
PROPERTY LINE SURVEYOR NO. 340  
117 BAY STREET P.O. BOX 1767  
EASTON, MARYLAND 21601  
(410)822-8003

DATE \_\_\_\_\_

Date: 08/17/2007 User: jerrill  
 Drawing Path: J:\2007\10100\070169\CadData\CadData.dwg User: jerrill  
 Project Manager: T.D.L.  
 XREF File(s): \CBS-BASE-070169.dwg; \CBS-BASE-SUB.dwg; \CRW-BASE-070169.dwg; \VIRW-BASE-070169.dwg  
 YSP-BASE-070169.dwg; \YSP-BASE-070169.dwg; \YSP-PLS-070169.dwg

**MINUTES OF PUBLIC HEARING**  
**TALBOT COUNTY BOARD OF APPEALS**  
**SPECIAL EXCEPTION - Appeal No. 1447**

Pursuant to due notice, in accordance with Chapter 190 Zoning, Article XIV § 190-112 of the Talbot County Code, a public hearing was held by the Talbot County Board of Appeals (hereinafter referred to as the "Board") at the Bradley Meeting Room, Courthouse, South Wing, 11 North Washington Street, Easton, Maryland, beginning promptly at 7:30 p.m., Monday, February 26, 2007, on the application for special exception (hereinafter referred to as the "Application") of Frona G. Hall & Patricia Davies (hereinafter individually, jointly, collectively and severally referred to as the "Applicant"). The proceedings were recorded.

Applicant is requesting a special exception to allow the private pier to remain on a lot to be created in a new subdivision (lot 18), which lacks a residence. (hereinafter referred to as "Proposed Use"). The Property is located at 21540 Chicken Point Road, Tilghman Maryland 21671 and contains, before the proposed subdivision, 1.407 acres Tax Map 44A, Parcel 23 (hereinafter referred to as the "Property").

It is proposed that the Property be subdivided into two (2) parcels: one waterfront unimproved parcel consisting of 1.010 acres and one inland parcel containing 0.397 acres. The existing dock will go with the unimproved lot, which violates the Talbot County Zoning Ordinance and Subdivision Regulations. Applicants acknowledge that having a dock on an unimproved lot will be a violation of subdivisions until such time, if any, that they or their successors and assigns build a residence on the new lot.

The Property is zoned Village Center/Critical Area zone (VC/CA). The Application is made in accordance with Chapter 190 Zoning, Article V, §190-21 and Article XIV § 190-105 of the Talbot County Code (hereinafter referred to as "Code").



Present at the hearing were Board members: Paul Shortall, Jr., Chairman, Phillip Jones. ~~II~~, Vice-Chairman, Jack K. Sun, Betty Crothers and John Sewell

It was noted for the record that all members of the Board had visited the Property. All potential witnesses were duly sworn. Applicant was represented by Attorney Bruce C. Armistead. The attorney for the Board was Alexander Gordon, IV, 8615 Commerce Drive #1, Easton, Maryland 21601.

The following exhibits were offered and entered into evidence as Board's Exhibits:

1. Application for Hearing with Attachment A.
2. Tax Map Tracing verified by Applicant.
3. Appeals Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star Democrat.
5. Notice of hearing with a list of nearby property owners attached thereto.
6. Burden of Proof Requirements - Questions and Answers
7. Staff Memorandum - revised January 16, 2007
8. Staff Memorandum and aerial photo
9. Planning Commission comments
10. Critical Area Commission dated January 29, 2007.
11. Sign Maintenance Agreement
12. Site Plan

In his opening remarks Attorney Armistead introduced the Applicants and explained the general nature of the Property, improvements, and relief requested. Applicants have owned the Property since 2001. Applicants are not seeking subdivision approval. They seek permission that would allow the exiting dock located on a parcel without a principal residence. The lot will have a shed

and a dock. Applicants are requesting a special exception to allow them to proceed with the subdivision of the Property and to allow the existing dock to remain on an unimproved lot.

Applicant then testified and confirmed the opening remarks by Counsel. Applicant testified as to each issue that must be addressed to support the relief requested and confirmed the responses filed to the burden of proof requirements. Applicant confirmed that the dock is typical of docks in the area and does not present a navigation problem. Applicants testified that they have no present plans to lease the dock. Applicant's Exhibit A is a Google photograph showing the dock.

No neighbors were present and there was no opposition to the request. Members of the Board then discussed the Proposed Use.

The Board considered the application, evidence, exhibits and testimony, and, prior to adjourning, upon motion duly made and seconded, publicly made the following findings of fact and law, by a preponderance of the evidence of record, that all legal requirements pertaining to a public meeting were met and that:

- a. The Proposed Use is consistent with the purposes and intent of the Talbot County Comprehensive Plan and complies with the standards of the land use district in which it is located, except as those standards may have been modified by authorizing the special exception use, or by granting a variance.
- b. The Proposed Use is designed to be compatible in terms of scale, bulk and general appearance with adjacent land uses and with existing and potential uses.
- c. The Proposed Use provides for the avoidance of significant adverse impacts on the surrounding area with regard to trash, odors, noise, glare, vibration, air and water pollution and other health and safety factors or environmental disturbances.
- d. The Proposed Use is compatible with the pattern of existing developed land use in the vicinity and will not be detrimental to the use, peaceful enjoyment, or economic value of existing neighboring property.
- e. The Proposed Use will not be such as to create a nuisance to other properties in the vicinity,

or their occupants, nor will it be a hazard to public health, safety or welfare.

- f. The Proposed Use will not have a significant adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.
- g. The Proposed Use will not have a significant adverse impact upon marine, pedestrian, or vehicular traffic.
- h. The proposed use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County.
- i. Any vehicle access to proposed off-street parking areas and drive-in facilities shall be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to developed residential area.
- j. The Proposed Use will not significantly adversely affect wildlife and/or marine life with respect to the site's vegetation or water resource in supplying food, wildlife and/or marine life.
- k. The Proposed Use will not adversely affect any adjacent existing agricultural uses.

The Applicant and his successors are bound by the testimony and exhibits presented in support of the application and by the representations of the Applicant's agents and attorneys to the extent that they are set forth or incorporated by reference in the Board's decision. The applicant and his successors consent to entry by the County and its agents at reasonable times, upon reasonable advance notice, to determine initial and ongoing compliance with the terms, conditions, restrictions, and limitations of the Board's approval. This Application shall be implemented within 18 months unless a timely request for extension is made, necessary application of extension fees are paid, and the relief requested is granted by the Board.

Pursuant to the Staff Memorandum dated February 26, 2007, the Board conditions its approval on the successful subdivision and recordation of the subdivision plat, and that any other accessory structures located on proposed Lot 2 not disclosed in the application to the Board of Appeals for consideration be removed from said lot prior to approved subdivision recordation.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE



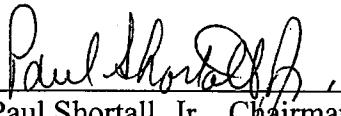
TALBOT COUNTY BOARD OF APPEALS,

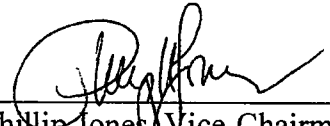
RESOLVED, that the Applicants are **GRANTED** a special exception for the Proposed Use consistent with the evidence submitted to the Board of Appeals.

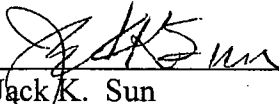
The vote of the Board was **five to zero in favor** of the motion to grant the requested special exception.


GIVEN OVER OUR HANDS, this 26th day of March, 2007.


TALBOT COUNTY BOARD OF APPEALS

  
\_\_\_\_\_  
Paul Shortall, Jr., Chairman

  
\_\_\_\_\_  
Phillip Jones, Vice-Chairman

  
\_\_\_\_\_  
Jack K. Sun

  
\_\_\_\_\_  
John Sewell

  
\_\_\_\_\_  
Betty Crothers