Cc: Ren
Nick
Kerrie

✓
January 22, 2008

Marianne E. Dise
Assistant Attorney General
State of Maryland Office of the Attorney General
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Administrative Appeal of Theodore B. Passyn and Julia B. Passyn
Appeal No.: 1484

Dear Marianne:

I received your letter of January 17, 2008. Please be advised that our hearing for February 11, 2008 has been postponed. As soon as a new date has been scheduled, I will let you know. If you will require a new Subpoena for Dr. Kelly, I will send one at that time.

With respect to your offer to prepare a certification, as I explained to you, I have called Dr. Kelly to testify to more than just the fact that he wrote the two letters we spoke about. As I explained, it is my understanding that among Dr. Kelly’s responsibilities in reviewing the subdivision application is to review them with respect to their consistency with the State Critical Area law and the requirements of the local program which was approved by the Critical Area Commission. Neither of Dr. Kelly’s letters say that specifically, though that is what I understand to be his role in this process. Please correct me if I am wrong. If Dr. Kelly is willing to write another letter indicating as much and send that to me along with a certificate for all three letters, I will consider whether I can excuse him from testifying.

As I explained to you, it is not my intention to cause Dr. Kelly any unnecessary inconvenience and I will do my best to make his involvement in this matter as quick as possible.
January 22, 2008

Marianne E. Dise
Assistant Attorney General
State of Maryland Office of the Attorney General
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Administrative Appeal of Theodore B. Passyn and Julia B. Passyn
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As I explained to you, it is not my intention to cause Dr. Kelly any unnecessary inconvenience and I will do my best to make his involvement in this matter as quick as possible.
I look forward to hearing from you.

Very truly yours,

Mark F. Gabler

MFG/mrb
January 15, 2008

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Marianne E. Dise
Assistant Attorney General
State of Maryland Office of the Attorney General
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Administrative Appeal of Theodore B. Passyn and Julia B. Passyn
Appeal No.: 1484

Dear Marianne:

Pursuant to our discussion on Friday, enclosed please find a Subpoena in the above-reference matter directed to Nick Kelly, Natural Resources Planner to testify at a Board of Appeals hearing on February 11, 2008 at 7:30 p.m. Thank you for agreeing to accept the attached Subpoena on behalf of Mr. Kelly by mail. Because you have advised that Mr. Kelly will not be available that day due to a medical procedure, I have asked the Board to postpone the hearing and they have agreed. I will let you and Mr. Kelly know of the new date as soon as it is confirmed.

Please call me if you have any questions. Thank you for your cooperation and courtesy in this regard.

Very truly yours,

Mark F. Gabler

MFG/mrb
Enclosure
TALBOT COUNTY BOARD OF APPEALS
Paul Shortall, Jr., Chairman
28712 Glebe Road, Suite 2
Easton, Maryland 21601
(410) 770-8040

Administration Appeal of
Theodore B. Passyn

Julia B. Passyn

vs.

Appeal Number: 1484

STATE OF MARYLAND, TALBOT COUNTY TO WIT:

SUBPOENA

To: (name, address and county) Nick Kelly, Natural Resources Planner
1804 West Street, Suite 100
Annapolis, Maryland 21401

YOU ARE HEREBY COMMANDED to attend and testify at a Board of Appeals Hearing to be held at:
the Bradley Meeting Room, Courthouse, South Wing, 11 N. Washington Street, Easton, MD 21601
on the 11th day of February, 2008 at 7:30 a.m. /p.m.
(and continuing thereafter until completed)

and you are requested to produce the following documents and/or objects:

Subpoena requested by ( ) the Board of Appeals; ( ) Appellant; (X) Applicant; ( ) Interested Party; or
( ) Talbot County, MD and any questions should be referred to:
Mark F. Gabler, 36 South Washington St., Easton, MD 21601 (410) 819-0110
(name of party/agent/attorney, address and phone number)

Date Issued: January 11, 2008

Secretary
(signature and seal)

RETURN

( ) Personally served, affidavit attached.
( ) Certified mailpiece number: ___________________________, affidavit attached.
( ) Unserved, by reason of ____________________________
Date: ______ Fee: $__________

Signature

RECEIVED
Jan 16 2008

ORIGINAl TO WITNESS • RETURN COPY TO BOARD OF APPEALS
CRITICAL AREA COMMISSION

rev May 2006
October 2, 2007

Ms. Mary Kay Verderry
Talbot County Office of Planning and Zoning
28712 Glebe Road
Easton, MD 21601

Re: 1018
Passyn Subdivision

Dear Ms. Verderry:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to create a 2-lot subdivision on a parcel located in a Resource Conservation Area (RCA). Currently, the site is developed with two dwelling units, an existing pool, a man-made pond, driveway, and garage. Total acreage of the site is 32.184 acres.

Based on the information provided, we do not oppose the granting of this subdivision application. However, we do have the following comments on this site plan:

1. Please have the applicant indicate on the site plan the amount of tidal wetlands that are located on the property, broken down into the amount that is private and the amount that is state-owned. These numbers will help determine the total buildable area and the amount of impervious surface permitted for each lot.

2. Please have the applicant indicate the amount of impervious surface allowed for each site. In an RCA area, impervious surface is limited to 15% of the total lot size. Consequently, Lot 1 cannot exceed 3.53 acres (153,895 square feet), and Lot 2 cannot exceed 1.29 acres (56,394 square feet).

3. The applicant must receive a letter from the Department of Natural Resources' (DNR) Wildlife and Heritage Division evaluating the property to determine if there is the presence of any rare, threatened, or endangered species onsite. If present, the applicant must address all recommendations from DNR for protection of this species. Please forward a copy of this letter to our office.

4. Please have the applicant indicate the amount of forested area located on each site, as the subdivision must meet the 15% Critical Area afforestation requirement.
May 25, 2007

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

Re: 1018
Passyn Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to create a 2-lot subdivision on a parcel located in a Rural Conservation (RC) area. Currently, the site is developed with two dwelling units, an existing pool, a man-made pond, driveway, and garage. Total acreage of the site is 37.125 acres.

Provided the lots are properly grandfathered, we do not oppose the granting of this subdivision application. We have the following comments on this site plan:

1. Please add a note to the site plan designating the total acreage of the site.
2. Please designate the total amount of impervious surface on each lot.
3. Please designate the Critical Area boundary on the site plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3483.

Sincerely,

Nick Kelly
Natural Resource Planner
CC: TC 283-07

TTY for the Deaf
Annapolis: (410) 974-2609  D.C. Metro: (301) 586-0450
CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COA
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION:

GENERAL PROJECT INFORMATION

Jurisdiction: Talbot County

<table>
<thead>
<tr>
<th>Tax Map #</th>
<th>Parcel #</th>
<th>Block #</th>
<th>Lot #</th>
<th>Section</th>
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<tr>
<td>62</td>
<td>32</td>
<td>1.6</td>
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</tbody>
</table>

Tax ID: 

Project Name (site name, subdivision name, or other) -

Project location/Address: 1982 Checellor Pkwy

City: Trappe, MD

Local case number: 1484

Applicant: Last name Passyn

<table>
<thead>
<tr>
<th>First name</th>
<th>Theodore &amp; Julia</th>
</tr>
</thead>
</table>

Company: 

Application Type (check all that apply):

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit
- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

Local Jurisdiction Contact Information:

Last name: Corkell

<table>
<thead>
<tr>
<th>First name</th>
<th>Chris</th>
</tr>
</thead>
</table>

Phone #: 410.770.8040 Response from Commission Required By 01/28/08

Fax #: 410.770.8043 Hearing date 02/11/08

RECEIVED

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE & ATLANTIC COA
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

Adm. Appeal

Revised 12/14/2006
CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Talbot County

Date: 12/28/07

FOR SUBMISSION ONLY
Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other)

Project location/Address: 1982 Chancellor Point Rd

City: Trappe, MD Zip: 21673

Local case number: 1484

Applicant: Last name: Passyn
First name: Theodore & Julia

Company:

Application Type (check all that apply):
Building Permit
Buffer Management Plan
Conditional Use
Consistency Report
Disturbance > 5,000 sq ft
Grading Permit
Variance
Rezoning
Site Plan
Special Exception
Subdivision
Other

Local Jurisdiction Contact Information:

Last name: Corkill
First name: Chris

Phone #: 410-770-8040 Response from Commission Required By: 01/28/08
Fax #: 410-770-8043 Hearing date: 02/11/08

Revised 12/14/2006
### SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

See Public Notice in package

- Intra-Family Transfer: Yes
- Grandfathered Lot: No
- Growth Allocation: Yes
- Buffer Exemption Area: No

### Project Type (check all that apply)

- Commercial
- Consistency Report
- Industrial
- Institutional
- Mixed Use
- Other
- Redevelopment
- Residential
- Shore Erosion Control
- Water-Dependent Facility

### SITE INVENTORY (Enter acres or square feet)

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<tr>
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<th>Acres</th>
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<tr>
<td>LDA Area</td>
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<tr>
<td>RCA Area</td>
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<td></td>
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<tr>
<td>Total Area</td>
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</table>

Total Disturbed Area

# of Lots Created

### Existing Impervious Surface

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<tr>
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<tr>
<td>Removed Forest/Woodland/Trees</td>
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<tr>
<td>Total Impervious Surface</td>
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</table>

### VARIANCE INFORMATION (Check all that apply)

<table>
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<th>Sq Ft</th>
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<tr>
<td>Buffer Disturbance</td>
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</tr>
<tr>
<td>Non-Buffer Disturbance</td>
<td></td>
</tr>
<tr>
<td>Buffer Forest Clearing</td>
<td></td>
</tr>
<tr>
<td>Mitigation</td>
<td></td>
</tr>
</tbody>
</table>

### Structure

- Acc. Structure Addition
- Barn
- Deck
- Dwelling
- Dwelling Addition
- Garage
- Gazebo
- Patio
- Pool
- Shed
- Other

Variance Type: Buffer

Other: Land App

Revised 12/14/2006
APPEALS NOTICE OF PUBLIC HEARING

APPEAL NO. # 1484

In accordance with § 190-112 of the Talbot County Code, notice is hereby given that a public hearing will be held in the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland on February 11, 2008 at 7:30 p.m. by the Talbot County Board of Appeals to hear the following petition:

Applicants, Theodore & Julia Passyn, have filed an Administrative Appeal under Article XIV, § 190-103 of the Talbot County Code asserting an allegation of error by the Assistant Planning Officer in the interpretation of Article X, § 190-58 G of the Talbot County Code. In conjunction with the Technical Advisory Committee review of the applicant’s single lot intrafamily transfer subdivision application. Property is located on 1982 Chancellor Point Road, Trappe, Maryland 21673 in the Rural Conservation (RC) zone. Property owners are Theodore & Julia Passyn, and the property is located on Tax Map 62, Grid 16, Parcel 32. All persons are notified of said hearing and invited to attend. The Board reserves the right to close a portion of this hearing as authorized by Section 10-508 (a) of the Maryland Annotated Code.

A copy of said petition is available for inspection during the regular office hours of the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, MD 21601.

Chris Corkell
Board of Appeals

P.S. PLEASE BOLD WHERE INDICATED


MAIL CONFIRMATION WHEN COMPLETE
BOARD OF APPEALS

APPEAL CASE # 1484

APPLICANT: Theodore & Julia Passyn

FEE PAID: $700.00 DATE: 12/05/07

SPECIAL EXCEPTION: VARIANCE:

ADMINISTRATIVE APPEAL: XXX

SIGN PICKED UP: 01/23/08

NOTICE TO NEWSPAPER: 01/17/08

NOTICE TO ADJACENT PROPERTY OWNERS: 01/10/08

DATES TO RUN IN NEWSPAPER: 01/25/08 / 02/01/08

HEARING DATE: 02/11/08 @ 7:30 p.m.

PLANNING COMMISSION MEETING: N/A

PACKETS TO BOARD

✓ Executive Session
✓ Application for Hearing
✓ Tax Map Tracing
✓ Appeals Notice of Public Hearing
✓ Newspaper Confirmation
✓ Notice of Hearing/Property Owners

✓ Misc. Exhibits below:

Intent to Participate - Mike Pullen

✓ Sign Maintenance Agreement / Sign Affidavit
✓ Site Plan - Construction/Elevation Plan

✓ Notification from Critical Areas Commission
✓ Notification from State Highway Administration

✓ Maryland Department of Environment
✓ Authorization Letter
✓ Checklist Cottage Industry
To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the most current Talbot County Zoning Ordinance for Talbot County, Maryland, or as amended, request is hereby made for:

Variation from strict application of said Ordinance
Administrative Appeal
Special Exception

Statement of Case: A statement of the facts in full detail, including documentary evidence to be attached as deemed appropriate, and reference to any statute or law pertaining to the matter resulting in the denial of relief or direction for compliance. You may type on a separate sheet if additional space is needed and label as Attachment A.

See attached

Location of Property: 1982 Chancellor Point Rd., Trappe, MD 21673
Property Owner: Theodore B. and Julia B. Passyn
Address of Owner: 1982 Chancellor Point Rd., Trappe, MD 21673
Telephone Number: (410) 476-5144

Applicant’s name, address & telephone number if different from owner:

Has above property ever been subject of previous Appeal(s)? No
If so, give Appeal number(s) and date(s)

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the foregoing Appeal are true to the best of my (our) knowledge and belief.

Applicant’s/Agent’s Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.
STATEMENT OF CASE

Mr. and Mrs. Passyn are appealing the November 5, 2007 letter of Mary Kay Verdery the Assistant Planning Officer of Talbot County Department of Planning and Zoning and asserting an allegation of error therein.

On November 5, 2007, Ms. Verdery wrote a letter to the Passyns (attachment A) with regard to their application for a single lot intrafamily subdivision. Ms. Verdery’s letter was written in response to the inquiries from undersigned counsel on behalf of the Passyns about certain comments which were raised during the TAC review process of the Passyn’s subdivision application. The TAC comment at issue was the first comment on the list of 39 overall comments which read:

“The subject lands contain circumstances inconsistent with the Talbot County Code and the condition of approval for building permit number 05-644. As improved, the two dwellings on Parcel 32 are in violation with respect to density and are inconsistent with the intrafamily subdivision provision of the Talbot County Code. A building permit condition of approval for the newly constructed residence on proposed Lot 1 required removal of the existing house on proposed Lot 2. the land owner/agent should provide written documentation which, for each of these issues, detail the circumstances creating these inconsistencies; a means of resolving these matters prior to approval of this plat; and any other pertinent information that may be relevant to this project. Such documents will help facilitate staff evaluation and determination of appropriate disposition of these issues. Staff will evaluate this information and respond to the applicant with appropriate direction PRIOR to acceptance of any future plat submittals.”

Exhibit B.

Undersigned counsel was attempting to discuss this TAC comment with Mary Kay Verdery to understand why she was of the belief that the Passyn’s application was “inconsistent with the intrafamily subdivision provision of the Talbot County Code” when Ms. Verdery wrote her November 5, 2007 letter to the Passyn. Although undersigned counsel does not believe that Ms. Verdery’s letter is a final decision as contemplated by Section 190-103 of the Talbot County
Code, this appeal is being filed so as preserve the Passyn’s deadline for doing so as directed by Ms. Verdery in her letter.

The Passyn have requested a meeting with the County to discuss the matter and the County refused and indicated that it would not discuss the matter any further.
TALBOT COUNTY OFFICE OF PLANNING AND ZONING
28712 Glebe Road, Suite 2
Easton, Maryland 21601

TECHNICAL ADVISORY COMMITTEE REVIEW

REVIEW PREPARED BY: Mary Kay Verdero, Assistant Planning Officer

APPLICANT NAME: THEODORE B. PASSYN AND JULIA B. PASSYN

ADDRESS: P.O. Box 507, Trappe, MD 21673

PROJECT NAME: Plat showing the land of Theodore B. Passyn, Julia B. Passyn

LOCATION: 1982 Chancellor Point Road, Trappe, MD

TAX MAP: 62    GRID: 16    PARCEL: 32    ZONING: Rural Conservation

REQUEST: Intra family single lot subdivision – Revised Sketch

AGENT: Steven H. Jupitz, Inc.    TAC REVIEW DATE: October 10, 2007

COMMENTS:

1. The subject lands contain circumstances inconsistent with the Talbot County Code and the condition of approval for building permit number 05-644. As improved, the two dwellings on Parcel 32 are in violation with respect to density and are inconsistent with the intrafamily subdivision provision of the Talbot County Code. A building permit condition of approval for the newly constructed residence on proposed Lot 1 required removal of the existing house on proposed Lot 2. The land owner/agent should provide written documentation which, for each of these issues, details the circumstances creating these inconsistencies; a means of resolving these matters prior to approval of this plat; and any other pertinent information that may be relevant to this project. Such documentation will help facilitate staff evaluation and determination of appropriate disposition of these issues. Staff will evaluate this information and respond to the applicant with appropriate direction PRIOR to acceptance of any future plat submittals.

2. Previously provided information noted that this property is owned by a trust. Please provide written verification of property ownership.

3. The nontidal wetlands disclaimer contains a spelling error in the fifth line from the bottom.

4. The owner’s signature block provided under the nontidal wetlands disclaimer may be removed as a second signature block is provided in the center of the plat.

EXHIBIT B
5. A separate notary signature shall be provided for each property owner signature.

6. Applicant signatures are not required on the plat until final plat submission.

7. A telephone number shall be added to the owner’s information on the plat.

8. The current zoning abbreviation shall be spelled out.

9. The minimum and average lot size information shall be defined on the plat.

10. The required setback from Mean High Water/Tidal Wetlands shall be defined in the setback legend.

11. The impervious coverage for each lot shall be broken down into three headings; square footage allowable, utilized and remaining.

12. Forest calculations shall be defined on the plat.

13. Development rights allowed, utilized and remaining shall be defined.

14. The following note shall be located below the development rights calculation: "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".

15. The drainage and utility note shall be added to the plat and the easement shall be delineated in the plan view.

16. The standard Stormwater management note shall be added to the plat.

17. Signature block wording shall be added to the plat for the County Engineer.

18. The road type and width shall be defined on the plat for Chancellor Point Road. The eastern side of this feature shall be delineated.

19. The label “existing entrance” near the culvert symbol shown on Lot 1 shall be expanded to state existing agricultural entrance and shall label the culvert symbol as such.

20. The existing culvert at the access point of Lot 2 and Chancellors Point Road shall be delineated and labeled.

21. A shading pattern shall be utilized to define the extent of the shared access easement.

22. The access easement shall include the area along the curve “C-1” and across the SDA pipe stem of Lot 2.
23. A shed is delineated east of the pool shown on Lot 2. This feature shall be labeled as such.

24. A connecting drive between Lots 1 & 2 exists east of the pool. This feature shall be delineated on the plat.

25. A stream is delineated south of the dwelling on Lot 2. This feature shall be labeled as perennial or intermittent.

26. A stream within the Critical Area is by definition a tributary stream and therefore shall have a 100 foot buffer. No stream has a 25 foot buffer as shown.

27. A stream is delineated north of Lot 1. This feature shall be labeled as perennial or intermittent.

28. A stream within the Critical Area is by definition a tributary stream and therefore shall have a 100 foot buffer. No stream has a 25 foot buffer as shown.

29. The nontidal pond shown along the common property line of Lots 1 & 2 shall be labeled as such. The fifty foot BRL shall be removed from within this feature and the required 25 foot nontidal wetland buffer shall be added around the pond.

30. Flood zone boundaries shall be delineated on the plat.

31. The second paragraph of the standard flood zone note shall be provided.

32. Property line monumentation shall be defined on the plat.

33. Lateral lines with appropriate buffer shall be defined for Lots 1 & 2.

34. The standard note for tree removal within the Critical Area shall be added to the plat.

35. The standard U.S. Fish and Wildlife review statement shall be utilized on the plat.

36. Additional detail shall be added to the vicinity map.

37. The deed drafted for the lot created under the intrafamily provision shall contain the language as noted within the attached memorandum.

38. A copy of the Department of Natural Resources, Heritage and Biodiversity Division letter confirming if there are rare, threatened or endangered species on this site shall be forwarded to the Planning Office.

39. A critical area environmental assessment shall be completed for this project and submitted to Planning and Zoning prior to preliminary plat submittal.
November 5, 2007

Mr. & Mrs. Theodore Passyn
P.O. Box 507
Trappe, MD 21673

Re: Theodore & Julia Passyn – Intra-family subdivision - S1018

Dear Mr. & Mrs. Passyn:

I have reviewed the information provided by Mr. Mark Gabler regarding your intra-family subdivision request of the lands located on Chancellor Point Road, Trappe, MD. Based upon this information I provide the following direction for future submittals relating to this project.

The Talbot County Code prohibits two principal structures on a single lot. When you applied for the current building permit, it was issued upon the condition that the existing principal residence be removed prior to occupancy of the new principal residence. The building permit was issued only on that basis; had you refused to agree to that condition, the building permit would not have been issued.

Alternatively, had an intra-family transfer been pursued from the outset, the newly created lot would have had a deed restriction limiting its transfer only to an immediate family member as defined in the ordinance. The current submittal proposes to reverse that restriction and place the deed restriction on the old principal residence, a result that could not have been achieved under the ordinance if this procedure had been pursued from the outset.

By acceptance of the building permit with the noted condition of approval you agreed to remove the existing principal structure and are required to do that. If it is true that, as you and your representative, Mr. Gabler, have stated, "... It has always been their plan to maintain the existing structure by subdividing the property pursuant to the Intra family Transfer Provisions of the County Code," then the application for the original building permit appears to be based upon a knowing misrepresentation of a material fact, and apparently without intention to perform the express condition upon which the building permit was issued in the first place.
If you want to change the existing building permit condition, the County may be able to accommodate this provided the property restrictions end in the same position as if you had pursued the intra-family transfer initially. The lot containing the newly constructed residence must be created for and transferred to an “immediate” family member. The deed for the newly created lot shall contain the appropriate restrictions relating to occupancy, transfer and subdivision. Accommodating this request may entail additional restrictions that can be more fully explored during the subdivision review process.

In conclusion I see two options for resolving these inconsistencies. The first being to remove the old principal residence as conditioned on the original building permit. Upon removal you may proceed with the creation of an intra-family lot in the area of demolished principal residence. The second option would be revision of the plat to reflect the restrictions of intra-family transfer provision on the lot which encompasses the newly constructed residence. Accordingly, the building permit condition of approval may be amended upon final plat approval.

Upon addressing the above noted concerns, as well as, those listed in the October 10, 2007 TAC Notice to Proceed the preliminary plat submittal will be placed on the next available TAC agenda. However, if you disagree with this determination, you may file an Administrative Appeal to the Board of Appeals within 30 days from the date of this letter at the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, Maryland 21601.

Sincerely,

Mary Kay Verderer
Assistant Planning Officer

cc: Mr. Mark Gabler, Rich and Henderson P.C.  
Mr. Michael L. Pullen, County Attorney  
Bob Graham
This Administrative Appeal is filed in accordance with the following provision(s) of the Talbot County Code, which confer jurisdiction on the Board of Appeals to hear and decide this matter: (Check all that apply)

- Administrative Abatement Order (§190-122)
- Board of Electrical Examiners Appeal (§56-20)
- Building Code Enforcement:
  - Commercial Notice of Violation (§113.2)
  - Commercial Stop Work Order (§114.2)
  - Residential Notice of Violation (§113.2)
  - Residential Stop Work Order (§114.2)
  - Building Permit (§190-101)
  - Zoning Certificate (§190-101)
- Floodplain Management (§70-31.6)
- Forest Conservation (§73-17)
- Historic District Commission (§190-50)
- Minimum Livability Code (§88-18)
- Nonconforming Use Expansion (§190-97B)
- Planning Officer's Decisions (§190-103)
- Property Maintenance, Weed & Litter Enforcement (§117-11)
- Reasonable Accommodations (§190-107)
- Roads and Bridges (§134-17)
- Septage Management (§145-11)
- Shared Sanitary Facilities (§152-16B)
- Short-Term Rental Review Board (19-108.1 B)
- Special Benefit Assessments (§148-21C)
- Stormwater Management (§164-25)
- Subdivision Review and Approval (§168-11)

Revised: 07/10/07
NOTICE OF INTENT TO PARTICIPATE

Item 1.
Participant's name(s): Theodore B. and Julia B. Passyn
Address: 1982 Chancellor Point Rd., Trappe MD 21673
Telephone Number: (410) 476-5144

If represented by legal counsel, include the following information. If unrepresented, write "pro se," skip the balance of this request and move to Item 3.

Item 2.
Counsel's name(s): Mark F. Gabler, Esquire
Address: 36 S. Washington St., Easton, MD 21601
Telephone Number: (410) 819-0110

Item 3.
The undersigned hereby files this Notice of Intention to Participate in accordance with Section 20-13 of the Talbot County Code in the administrative appeal concerning:

THE UNDERSIGNED SHALL PROMPTLY NOTIFY THE BOARD OF APPEALS IN WRITING OF ANY CHANGES TO THE FOREGOING INFORMATION. THE BOARD IS ENTITLED TO RELY ON THE CONTINUED ACCURACY OF THE ABOVE INFORMATION FOR ALL PURPOSES UNTIL SO NOTIFIED.

Applicant's Signature

Representative/Agent's Signature

IMPORTANT: IF ALL REQUIRED INFORMATION IS NOT FURNISHED, THIS DOCUMENT WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THE BOARD OF APPEALS.
APPEALS NOTICE OF PUBLIC HEARING

APPEAL NO. # 1484

In accordance with § 190-112 of the Talbot County Code, notice is hereby given that a public hearing will be held in the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland on February 11, 2008 at 7:30 p.m. by the Talbot County Board of Appeals to hear the following petition:

Applicants, Theodore & Julia Passyn, have filed an Administrative Appeal under Article XIV, § 190-103 of the Talbot County Code asserting an allegation of error by the Assistant Planning Officer in the interpretation of Article X, § 190-58 G of the Talbot County Code. In conjunction with the Technical Advisory Committee review of the applicant’s single lot intrafamily transfer subdivision application. Property is located on 1982 Chancellor Point Road, Trappe, Maryland 21673 in the Rural Conservation (RC) zone. Property owners are Theodore & Julia Passyn, and the property is located on Tax Map 62, Grid 16, Parcel 32. All persons are notified of said hearing and invited to attend. The Board reserves the right to close a portion of this hearing as authorized by Section 10-508 (a) of the Maryland Annotated Code.

A copy of said petition is available for inspection during the regular office hours of the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, Maryland. If you have any further questions, please contact Chris Corkell at 410-770-8040.
Name(s) & Addresses of the adjacent property owners. (Article XIV, § 190-112 C) of the Talbot County Code.

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Map</th>
<th>Grid</th>
<th>Parcel &amp; Lot #</th>
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<tbody>
<tr>
<td>Kenneth E Tighe, Brenda Tighe T/C</td>
<td>62</td>
<td>16</td>
<td>30</td>
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<tr>
<td>2100 Chancellor Point Rd.</td>
<td></td>
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<tr>
<td>Trappe, MD 21673-1548</td>
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<tr>
<td>Lee S. Rubenstein, et al.</td>
<td>62</td>
<td>16</td>
<td>83</td>
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<td>4915 Linnean Ave., NW</td>
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<tr>
<td>Washington, DC 20008-2040</td>
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<tr>
<td>Martin III and Rebecca Braun</td>
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<td>21</td>
<td>82</td>
</tr>
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<td>831 New Hampshire Avenue, NW</td>
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<td>Washington, DC 20037</td>
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<td>Richard C and Mary H. Getsinger</td>
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<td>10</td>
<td>74</td>
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<td>30424 Belmont Drive</td>
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<tr>
<td>Trappe, MD 21673-1521</td>
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<td>Thomas C and Maria M. Mitchell</td>
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<td>6120 Jeffries Road</td>
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<td>Easton, MD 21601-8528</td>
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</table>

Applicant Signature: [Signature]
Date: 12-5-09

Revised: 11/26/06
BEFORE THE TALBOT COUNTY BOARD OF APPEALS

ADMINISTRATIVE APPEAL OF:
Theodore B. Passyn
Julia B. Passyn
1982 Chancellor Point Road
Trappe, MD 21673

IN THE MATTER:

Administrative Appeal - Single Lot
Subdivision - Intra-family

12-11-07P02:55 RCVD
Appeal No. 1484

NOTICE OF INTENTION TO PARTICIPATE

Talbot County, Maryland, by Michael L. Pullen, Talbot County Attorney, hereby gives notice of its intention to participate in this matter.

[Signature]
Michael L. Pullen
Talbot County Office of Law
11 North Washington St
Easton, Maryland 21601
(410) 770-8092
Talbot County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 15th day of December 2007, I mailed first class mail, postage prepaid, a copy of the foregoing Notice of Intention to Participate, to Mark F. Gabler, Rich and Henderson, P.C., 36 South Washington Street, Easton, Maryland 21601, attorney for Appellants.

[Signature]
Michael L. Pullen
Detailed Directions to Applicant’s Property:

MD-322 S/Easton BYP

MD 322 S becomes Ocean Gateway/US 50E

Turn left onto Beaver Dam Road

Turn right onto Money Make Road

Turn right onto Chancellor Point Road

PLEASE STAKE OUT ALL STRUCTURES & PIERS WHEN APPLICATION HAS BEEN SUBMITTED TO THIS OFFICE.

Site Visits: A majority of the members of the Board of Appeals shall be required to visit the site before a hearing. However, a decision on an appeal before the Board of Appeals shall be decided upon the basis of the evidence of the record.

Building Permit: If the Board of Appeals grants your request and upon compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to Talbot County Permits & Inspections Office.

Decision: A written decision will be prepared containing a statement as to the findings of fact and the conclusions of law upon which such decision is based. The Board’s Attorney will render a written decision within 30 days after completion of the hearing. Any person aggrieved by any decision of the Board may appeal the same to the Talbot County Circuit Court within thirty (30) days of the Board’s written decision.