BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF	*	CASE NO. VAR-26-4
SKIPPERS FARM LLC	*	VARIANCE REQUEST APPLICATION (Non-Critical Area)

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The Board of Appeals (the "Board") held a hearing on October 26, 2026, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Skippers Farm LLC (the "Applicant"). Applicant requested a variance for the property at 23336 Tunis Lane, St. Michaels Maryland. Chairman Frank Cavanaugh, Vice Chairman Louis Dorsey, Jr., Board Members Meredith Watters, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance Young were present. Board Secretary Christine Corkell and Planner Elisa Deflaux appeared on behalf of the County.

STATEMENT OF THE CASE

The Applicant requested a variance of the 25' rear yard setback to permit an existing 516 SF storage building to remain in its current location at 11.7' from the northwestern property line.

SUMMARY OF TESTIMONY

The Applicants was represented by attorney Brendan Mulaney. He explained that the variance request is for an existing residential, accessory storage shed. He submitted an exhibit with historical, aerial photographs of the property beginning 1957 through the present, which demonstrates that shed structure has consistently been in the same location of the Property since that time.

Applicant purchased the Property in 2025, and the nonconforming shed was discovered by County planning and zoning staff upon review of a short term rental application. The building is not properly permitted or placed.

The Talbot County code allows for the setback to be reduced by half for a residential storage shed under 300 SF. The size of this shed is over 300 SF.

The Applicant presented testimony establishing that the 1.36-acre property features unique physical and regulatory constraints, including being split-zoned between RC and WRC, partially within the Critical Area, and unusually narrow with only 70 feet between setbacks. These constraints, combined with a longstanding pre-zoning dwelling and a permanent-foundation accessory structure, create practical difficulties that render strict compliance unfeasible.

The need for the variance was not self-created, as the applicant acquired the property in September 2025, and Frame Shed #1 was constructed around 2018 by a predecessor in title. The issue was discovered during the county's short-term rental review process, prompting the Applicant to seek proper zoning relief and commit to removing Frame Shed #3 to reduce overall site nonconformity.

The request is not driven by economic gain, commercial expansion, or ignorance of the zoning restrictions, but solely by the property's inherent physical limitations.

Granting the variance will not harm the public interest or neighboring properties, as the shed occupies an area where accessory structures have historically stood for approximately 70 years, maintaining the established development pattern without altering the principal use or density. Finally, the request represents the minimum adjustment necessary, being strictly limited to permitting the existing 516-square-foot shed to remain at the 11.7-foot northern boundary setback.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

All Board members have visited the site, and this decision is based upon the Board's observations, as well as the testimony submitted by the Applicant's representative. The Board finds that the requested variance meets the standards set forth in the Talbot County Code, § 190-58.3. The Board concludes that the unique geometry of the lot, combined with other constraints, and the historical placement of an accessory structure in the same location, creates a practical difficulty that warrants relief. Additionally, the Applicant is removing another improperly placed shed from the Property.

The Board notes a discrepancy on the Applicant's Site Plan, which designates the side of the Property facing Old Claiborne Road as the "front." County staff, however, consider the side facing Tunis Lane to be the "front" because it provides access to the Property. While this distinction affects which boundary is subject to the 50-foot front yard setback rather than the 25-foot side and rear setbacks, it does not alter the relief requested. The variance remains a request for relief from a 25-foot setback, merely shifting the affected boundary from what the Site Plan labels as the side yard to what County staff classify as a rear yard.

The Board addresses the standards for a Non-Critical Area variances set forth in the Talbot County Code, § 190-58.3.

> A. *Unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of this chapter would result in practical difficulty or unreasonable hardship in enabling the applicant to develop or use the property*;

The Board finds that the 1.365-acre parcel possesses unique physical and regulatory constraints, including its split zoning (RC/WRC), partial location within the Critical Area, and unusually narrow depth, measuring approximately 120 feet across, which leaves only 70 feet of buildable width between setbacks. These constraints are further compounded by the location of

the private septic system and a pre-existing dwelling that predates the County's setback requirements. Historical aerial imagery confirms that accessory structures have occupied this same location for over 50 to 70 years. Requiring the removal or relocation of Frame Shed #1, which sits on a permanent foundation, would create an unnecessary practical difficulty given the lot's narrow geometry and established development pattern.

B. *The need for the variance is not based upon circumstances which are self-created or self-imposed*;

The Board finds that the circumstances necessitating the variance were not self-created or self-imposed by the Applicant. The Applicant acquired the Property in September 2025 in its current configuration, approximately seven years after Frame Shed #1 was constructed by a predecessor in title around 2018. The setback encroachment was discovered during the County's review of a short-term rental license application, prompting the Applicant to proactively seek zoning relief and remove an additional nonconforming shed (Frame Shed #3) to bring the Property into compliance.

C. *Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance*;

The Board finds that the variance request is grounded in the physical and regulatory limitations of the Property rather than a desire for greater profitability, commercial expansion, or claimed ignorance of the zoning code. While the Applicant was unaware when purchasing the Property that a predecessor had built the structure without permits, Frame Shed #1 is restricted solely to residential storage use and may not be used in connection with the Property's short-term rental license.

D. *The variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties*;

The Board finds that granting the variance will be neither contrary to the public interest nor detrimental to neighboring properties. Frame Shed #1 has stood in its current location for roughly eight years without neighbor complaints, and the adjacent parcel closest to the shed is a large agricultural field. Maintaining the shed preserves a 70-year historical development pattern without altering the residential use or density of the site. The public interest is served by bringing the structure into compliance through the after-the-fact permitting process while eliminating another unpermitted shed on the parcel.

E. *The variance shall not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship.*

The Board finds that the requested relief is the minimum adjustment necessary to relieve the practical difficulty. The variance is strictly limited to allowing the existing 516-square-foot Frame Shed #1 to remain in its current footprint at 11.7 feet from the northwestern property line, without authorizing any structural expansion or additional encroachment into the setback.

Documents on Record

1. Application for Non-Critical Area Variance.
2. Tax Map with subject property highlighted.
3. Notice of Public Hearing for Advertising.
4. Newspaper Confirmation.
5. Notice of Public Hearing with List of Adjacent Property Owners attached.
6. Non-Critical Area Variance Standards.
7. Staff Report by Andrew Nixon.
8. Sign Maintenance Agreement and picture of signs posted.
9. Authorization letter.
10. Independent Procedures Disclosure and Acknowledgement Form.
11. Aerial Photos.
12. Site Plan by Fink, Whitten & Associates, LLC, Job No. T-14-16-85.
13. Elevations.
14. Floor Plans.
15. Applicant Exhibit #1 - Historic Aerial Exhibit.

Mr. Krebeck moved that the variance be granted subject to staff conditions. Mrs. Watters seconded the motion. Based upon the foregoing, the Board finds, by a unanimous vote, that the Applicant's request for variance is granted subject to the following conditions:

1. The Applicant shall make an application to the Office of Permits and Inspections for an after-the-fact building permit for Frame Shed #1 and follow all rules, procedures, and construction timelines as outlined regarding after-the-fact permits.

2. The Applicant shall obtain all approvals and a Certificate of Occupancy for Frame Shed #1 within eighteen (18) months of the date of the Board of Appeals approval.

3. This approval is only for the requested improvements and additions in this application and does not cover or permit any other changes or modifications. Items not specifically addressed in this application may require additional approvals.

IT IS THEREFORE, this 19th day of November 2026, **ORDERED** that the Applicant's requests for a variance is GRANTED.

Frank Cavanaugh, Chairman

Louis Dorsey, Jr., Vice Chairman

Meredith Watters

Jeff Adelman

Zakary A. Krebeck