

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

IN THE MATTER OF

\* CASE NO. VAR-26-1

REBECCA and  
SCOTT THOMPSON

\* VARIANCE REQUEST APPLICATION  
(Non-Critical Area)

\* \* \* \* \*

The Board of Appeals (the “Board”) held a hearing on March 30, 2026, in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Rebecca and Scott Thompson (the “Applicants”). Applicants requested a variance for the property at 5343 Wellington Dr., Trappe, 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 Andrew Nixon appeared on behalf of the County.

**STATEMENT OF THE CASE**

The Applicants requested approval for two Non-Critical Area Variances of the 50’ side and rear-yard setbacks in the AC zoning district to permit an existing pickle ball court and retaining wall.

**SUMMARY OF TESTIMONY**

The Applicants, Rebecca and Scott Thompson, appeared alongside Brett Ewing of Lane Engineering.

Mr. Ewing testified that the variance concerns a pickleball court constructed as a surprise gift for Mrs. Thompson by friends and family. Mrs. Thompson is currently undergoing treatment for a serious illness; the court was intended to provide a low-impact exercise environment as recommended by her medical providers. Mr. Ewing noted that those who constructed the court were laypeople unfamiliar with local zoning setback requirements.

Scott Thompson testified that his wife’s oncologists encouraged increased physical activity, which proved challenging given her condition and the difficulty of frequent travel. The family has come to rely on the court as a vital component of her recovery and wellness. Rebecca Thompson testified that the court materials were sourced online and built by their family community. She emphasized that her oncologist specifically recommended moderate exercise in a private, stress-free environment.

Regarding site specifics, Mr. Ewing testified that the court measures approximately 30’ x 59.5’ (1,768 SF). It is situated 0.1’ from the southernmost rear property line and 24.9’ from the westernmost side property line. The perimeter retaining wall is located 2.1’ from the rear property line and 23.6’ from the side property line.

Mr. Ewing argued that the "practical difficulty" justifying the variance arises from the Property's unique physical characteristics. The Property is triangular, which significantly constricts the available building envelope. Furthermore, the Sewer Disposal Area (SDA) has a 20' buffer. When accounting for the existing residence, septic system, and other legally nonconforming structures, there is virtually no feasible location for a recreational structure without variance relief. Mrs. Thompson added that the driveway and several other improvements are already nonconforming due to these constraints.

The court is located at the rear of the property and is largely screened from public view. The adjacent neighbors, Mr. and Mrs. Harmon, submitted a letter of support. The land immediately behind the court is a farm. Regarding the "minimum necessary" standard, the Applicants testified that the court adheres to standard dimensions, and the surrounding surface area is the minimum required for player safety.

County Planner Andrew Nixon confirmed that other structures on the Property are properly permitted and likely legally nonconforming. He further noted that the Applicants have paid the required fines for the initial zoning violations.

### **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 Applicants and their representative. The Board finds that the requested variances meet the standards set forth in the Talbot County Code, § 190-58.3. The Board concludes that the unique geometry of the lot, combined with the Applicants' specific health-related needs, creates a practical difficulty that warrants relief.

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 Property's triangular shape is a unique physical characteristic. Because the lot tapers significantly, the 50-foot setbacks from all three sides overlap to create a building envelope that is disproportionately small relative to the total acreage. When coupled with the mandated septic buffer, the literal enforcement of the code would effectively strip the owners of the right to enjoy reasonable recreational improvements commonly afforded to properties in the AC district.

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

While the court was constructed prior to the application, the Board finds that the need for the variance is rooted in the lot's geometry and the location of the SDA, neither of which were created by the Applicants. The Board accepts that the construction was a gift by third parties

unaware of the code and finds that the physical constraints of the land would have necessitated a variance regardless of when the application was filed.

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

The Board concludes this application is not driven by economic gain. Rather, it is a request for reasonable accommodation. The testimony regarding Mrs. Thompson's medical necessity for a private, low-impact exercise space provides a compelling basis for the improvement that transcends a simple lack of knowledge.

*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 no evidence of detriment to the public or neighbors. The court is situated at grade, screened by vegetation, and abuts an agricultural parcel rather than a residential one. The only residential neighbor immediately impacted has expressed written support. Moving the court to a more conforming location would push the structure closer to other residential neighbors, thereby increasing the impact rather than lessening it.

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

The court adheres to standard dimensions for pickleball. The Board finds that a sub-standard sized court would not provide the intended therapeutic benefit and might pose a safety risk. Therefore, the current dimensions represent the minimum adjustment necessary to facilitate the reasonable use of the Property for the Applicants' health and wellness.


#### Documents on Record


1. Application for Non-Critical Area Application.
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.
9. Authorization letter.
10. Independent Procedures Disclosure and Acknowledgement Form.
11. Aerial Photo.
12. Photos from Andrew Nixon.
13. Site Plan from Lane Engineering, LLC.
14. Letter from Harmons
15. Violation/Order to Abate from Todd Powers, dated 11/5/25.

Mr. Adelman moved that the variance be granted subject to staff conditions. Vice Chairman Dorsey 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:

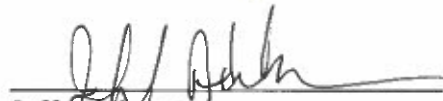
1. The Applicants shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines outlined regarding new construction.
2. The Applicants shall commence construction of the proposed improvements within eighteen (18) months of the date of the Board of Appeals approval.
3. The Applicants shall remove all portions of fencing that encroach on the adjacent property.
4. 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 20<sup>th</sup> day of April 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