



Talbot County Board of Appeals
215 Bay Street, Suite 2
Easton, Maryland 21601
410-770-8040

Procedure for Administrative Appeal Application

Please read the attached material thoroughly. The documents in the application packet should be completed and delivered to the Talbot County Board of Appeals located in the Department of Planning and Zoning. The filing fee is **\$800.00**, which includes a \$500.00 review fee and a \$300.00 deposit for advertising. Any portion of the advertising deposit not utilized will be returned. Checks shall be made payable to **Talbot County**, Maryland. Postage stamps or the cost of mailing associated with the attached adjacent property owners list shall be provided at the time the filing fee is paid with submittal of this application.

At the time the application is deemed complete with all forms signed and dated, dates will be scheduled for your hearing, sign posting and other pertinent dates. The applicant/agent is responsible for noting & complying with these dates. Direct any questions to Chris Corkell, Administrative Assistant to the Board of Appeals Office at (410) 770-8040.

Application for Appeal: Complete the "Purpose of Appeal". This informs the Board what the application is for. You may attach a legible sheet if additional space is needed. Please give a **detailed description** of your request.

Refer to Chapter 20 of the Talbot County Code & Resolution No. 101, Rules of Procedure.

Filing an application for an appeal, submit originals along with 7 copies to the Board's Office, one additional copy for the Board's Attorney may be dropped off at the Board's office with certificate of service. One copy each if located in the Critical Area or along a State Highway shall be delivered with above packages.

Adjacent Property Owners: The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Chapter 20, §20-10 of the *Talbot County Code*. For purposes of this Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate bill on the property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at this link: <http://www.dat.state.md.us>. A copy of the tax map is needed with subject property highlighted.

Water Front Property: For parcels fronting on the water, contiguous property owner(s) also include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.

Posting Property, Chapter 20, §20-9: This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Department of Planning and Zoning will inform the Applicant/Agent and posting locations will be designated.

Sign Maintenance Agreement: This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Department of Planning and Zoning within 5 days after the hearing date, or a substantial fine may be imposed.

Location Directions: The Applicant/Agent is responsible for providing detailed directions to the property in question.

Site Plan: The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing and proposed buildings, tree lines and proposed additions showing setbacks from property lines, names of adjoining roads, streams or bodies of water. The site plan must be drawn to scale. Contact the Board of Appeals Office for number of site plans needed for your project along with (1) additional copy if within the 100' buffer, (1) additional copy if property is located on a state highway and (1) additional copy for any other agency that may need a copy for review.

Written Acknowledgement: When the Applicant is someone other than the owner of the property, the Applicant shall attach to the application a letter of authorization from the owner stating that he/she has reviewed the application and concurs with its content.

Incomplete Application: The application shall be delivered to the Talbot County Board of Appeals Office located in the Department of Planning and Zoning. If the application is deemed incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. Federal, State and/or local permits or approvals maybe required to be obtained prior to application submittal.

Public Hearing Notice, Chapter 20, §20-11: On all applications the Board shall hold at least one public hearing at which any person may appear in person or through an agent or attorney. Public hearings shall be conducted in accordance with the Board's Rules of Procedure and the requirements of Chapter 20.

Miscellaneous: Submit all copies of any letters, affidavits, memos or documents that are referenced within your application.

Refer to Chapter 20, Talbot County Code:

§20-7. Accompanying materials

C. Administrative Appeal. An application for administrative appeal shall be accompanied by the following materials and information:

- (1) All documents and records upon which the application is based, including the final order, requirement, decision, or determination being reviewed.
- (2) A specific reference to each section of the County Code that authorizes the Board to hear the application and grant the requested relief.
- (3) Names and addresses of adjacent property owners as required by Chapter 190 of the *Talbot County Code*.
- (4) The following materials and information need not to be submitted with the applications but shall be submitted no later than 30 days prior to the public hearing:
 - (a) All documents, records, and exhibits that the applicant intends to rely upon at the public hearing.
 - (b) A summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimony of expert witnesses, and the estimated time required for presentation of the applicant's case. All reports from experts shall be filed and served on all other persons who have entered an appearance in the proceeding at least 15 days prior to the public hearing.

§20-8. Service of application for administrative appeal.

Upon filing an application for administrative appeal the applicant shall serve a copy on the County department head, or chairman of any County Commission or agency responsible for interpretation, administration, and enforcement of the ordinance, rule, or regulation involved in the application.

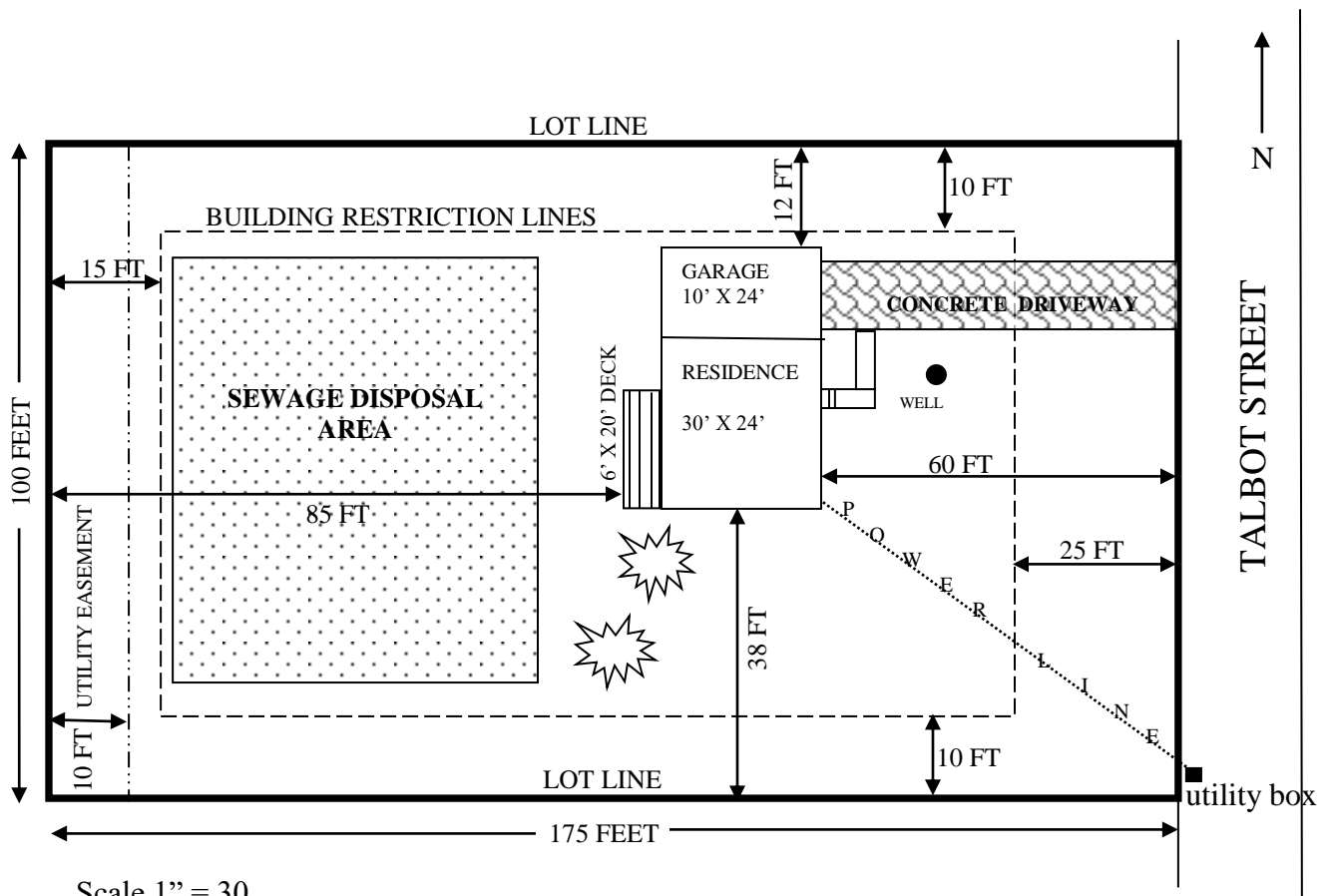
The Administrative Assistant to the Board of Appeals may not give advice with regard to this application nor is permitted to assist in the preparation.



Site Plan Requirements (Residential Variances, Nonconforming Uses and Special Exceptions)

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN



Scale 1" = 30

= Oak trees (mature)

EXAMPLE Not to Scale



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Examples for Public Notice

(The sections listed below are samples only)

Special Exception: Applicant(s), (Name of Applicant/Business) is seeking a special exception to establish two (2) commercial green houses and a plant nursery for retail use. Request is made in accordance with Chapter 190, Article VII, §190-56 of the *Talbot County Code*.

Special Exception & C/A Variance: Applicant(s), (Name of Applicant/Business) is requesting a Special Exception to construct a 190' high wireless telecommunications tower with an 8' lightning rod for a total of 198' and equipment shelter within a 30' x 80' fenced area. Applicant is also requesting a variance of the 25' non-tidal wetland buffer to 0' to upgrade an existing road to provide access to the proposed tower. Request is made in accordance with Chapter 190, Article IV, §190-25, §190-32.3, Article III, §190-15.11, Article VII, §190-56 and §190-58 of the *Talbot County Code*.

Floodplain Variance: Applicant(s), (Name of Applicant/Business) is seeking a variance of the strict elevation requirements for the lowest floor of their renovated accessory structure which constitutes substantial improvements in a floodplain. The flood protection elevation for this structure is 8 feet; the accessory structure floor height is built at 6.34'. Request is made in accordance with §70-21 B of the *Talbot County Floodplain Management Ordinance*.

Critical Area Variance: Applicant(s), (Name of Applicant/Business) is requesting five (5) variances of the Shoreline Development Buffer to (1) Convert an existing patio to a screened porch with deck above, located 34'-8" from Mean High Water; (2) In ground pool 16' x 30' located 39'-7" from MHW; (3) Concrete deck located 36'-5" from MHW; (4) Construct a 24' x 24' detached garage with attached 6' x 12' storage building located 63'-4" from MHW; (5) Vertical expansion and additions no closer than 40'-8". The current residence is 42'-7" from Mean High Water. Request is made in accordance with Chapter 190, Article IV, §190-25, Article III, §190-15.11 and Article VII, §190-58 of the *Talbot County Code*.

Non-Critical Area Variance: Applicant(s), (Name of Applicant/Business) is requesting a variance of the required 50' side yard setback to 33' to construct a 1,700 square foot deck connected to the residence including an octagon gazebo. Request is made in accordance with Chapter 190, Article II, §190-8 and Article VII, §190-58 of the *Talbot County Code*.

Reasonable Accommodations for a Disabled Citizen & Critical Area Variance: Applicant(s), (Name of Applicant/Business) are requesting a variance of the Shoreline Development Buffer for an existing concrete walkway located 0' from Mean High Water. Request for the walkway is to allow for the reasonable accommodations of a disabled citizen. Request is made in accordance with Chapter 190, Article III, §190-15 and Article VII, §190-57, of the *Talbot County Code*.

Administrative Appeal: Applicant(s), (Name of Applicant/Business) have filed an Administrative Appeal under §134-17 of the *Talbot County Code*, contending that the Talbot County Engineer, _____ erred by denying a waiver of §134-16, private road standards. Request is made in accordance with Chapter 190, Article VII, §190-54.6 of the *Talbot County Code*.



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Notice of Public Hearing for Advertisement

(Draft Only – This sheet is not part of the Board of Appeal Members Package)

In accordance with Chapter 20, 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 **(Date & Time)** by the Talbot County Board of Appeals to hear the following petition:

Applicant’s Name(s) _____

_____ are/is requesting a (Variance, Special Exception or Administrative Appeal)

Please provide name and email address of contact person _____

***Define Specific Request – see reverse side for examples:**

Request is made in accordance with Chapter 190 Zoning, Subdivision and Land Development Article, _____ §190-_____ of the *Talbot County Code*. Property is located on _____ in the _____ Zone, **(Refer to Talbot County Zoning Maps)**. Property owner(s) are/is (Names on Deed) _____ and the property is located on Tax Map _____ Grid _____ Parcel _____, Lot _____. 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.**



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Administrative Appeal Application

Office Use Only:

B.O.A. Hearing Date: _____ Fee Paid: _____

Filing Date: _____ Time: _____

Planning Commission Date: _____ Notices Mailed: _____

Place Ad Date: _____ Dates of Ads: _____

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 from time to time, request is hereby made for:

_____ **Administrative Appeal**

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.

Location of Property: _____

Tax Map _____ Grid _____ Parcel _____ Lot _____ Size _____ Zone _____

Property Owner: _____ Email: _____

Address of Owner: _____

Telephone Number: _____ Cell Number: _____

Applicant's Name, Address, Phone No. & Email if different from property owner: _____

Has above property ever been subject of previous Board of Appeals Proceeding?

If so, give Application number(s) and date(s) _____

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

Applicant's/Agent's Signature

Date

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



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Checklist for Administrative Appeal

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 and write the section number(s) that are subject to the Appeal:

- Administrative Abatement Order
- Board of Electrical Examiners Appeal
- Building Code Enforcement:
 - Commercial Notice of Violation
 - Commercial Stop Work Order
 - Residential: Notice of Violation
 - Residential Stop Work Order
 - Building Permit
 - Zoning Certificate
- Floodplain Management
- Forest Conservation
- Historic District Commission
- Minimum Livability Code
- Nonconforming Use Expansion
- Planning Officer's Decisions
- Property Maintenance, Weed & Litter Enforcement
- Reasonable Accommodations
- Roads and Bridges
- Septage Management
- Shared Sanitary Facilities
- Short-Term Rental Review Board
- Special Benefit Assessments
- Stormwater Management
- Subdivision Review and Approval



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Notice of Intent to Participate

Item 1

Participant's Name(s): _____

Address: _____

Telephone Number(s): _____

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): _____

Address: _____

Telephone Number(s): _____

Item 3

The undersigned hereby files this Notice of Intention to Participate in accordance with § 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/Agent's Signature

Date

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List of Witnesses to be Summoned

Attorney for Applicant: _____

Address of Attorney: _____

Telephone Number of Attorney: _____

The Applicant/Attorney will need to request a subpoena form(s) from the Board of Appeals Secretary. The subpoena form will be stamped with the Boards seal & signature of Secretary After serving your subpoena(s) you are required to submit a copy along with the certificate of service to the Board of Appeals Office.

Witnesses to be summoned: (Furnish list at time of submittal)

(Name) (Address)

(Name) (Address)

(Name) (Address)

(Name) (Address)

Name) (Address)

(Name) (Address)

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

Applicant's/Agent's Signature

Date

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.



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Adjacent Property Owner List

Name(s) and Addresses of the adjacent property owner(s) as required by Chapter 20, §20-10 of the *Talbot County Code*. Said mailed notice shall be directed to the address to which the real estate tax bill on property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at <http://www.dat.state.md.us>.

Name and Address	Map	Grid	Parcel & Lot #

Applicant's/Agent Signature

Date



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Sign Maintenance Agreement

<i>Office Use Only:</i> Applicant: _____
Sign No.: _____ Sign Condition Posting: _____ Sign Condition Return: _____
Damages: _____

I (we), the petitioner(s) of this appeal, agree that I (we) will be responsible for the continuous maintenance, during the period prior to the hearing date, of the sign which I (we) agree to have posted on the property for purposes of this hearing. I (we) further agree to notify the Board of Appeals if at any time during the required posting period this sign is not properly posted.

Said sign is to be returned to Department of Planning and Zoning within five (5) days after the hearing.

Applicant's/Agent Signature

Filing Date

Applicant's/Agent Signature

Posting Date of Sign

Section below to be completed the night of the hearing

Sign Affidavit

I hereby affirm under penalties of perjury that the subject property was posted as required on _____ (date) and to the best of my knowledge, information and belief the posting remained in place until _____ (date).

____ Check if sign was returned the night of Applicant's hearing.

Signature of Applicant's/Agent

Information Purposes Only (Posting of Sign)

Notification: Unless otherwise expressly provided by law, all notices to the general public required by the terms of the *Talbot County Code*, Chapter 20, shall be accomplished as follows:

Posting of Property: The applicant shall post the property by erecting a sign furnished by the Board of Appeals Office at least 15 days prior to the public hearing. The sign shall be located on the property, nearly centered between its two side property lines, and within 10 feet from the most traveled public road. If no public road abuts the property, the sign shall be located so that the public will most readily see it. Signs shall be posted conspicuously and continuously maintained upright, visible, and free from obstruction by vegetation or otherwise, through the conclusion of all public hearings. The sign furnished by the Department of Planning and Zoning shall not be less than two (2) feet high and two (2) feet wide, and shall bear the words: Notice Zoning Application Pending. Phone 410-770-8030 for information.

At the hearing, it shall be the duty of the applicant to prove by affidavit that he has fully complied with this provision and has continuously maintained the sign or other posting in compliance with this provision up to the time of the hearing.

If the applicant is a person other than the owner, his attorney, agent or a person otherwise privy with the owner and the applicant files an affidavit stating that the owner is unwilling to permit the posting of any such sign, the posting shall be made by the Planning Officer.



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Acknowledgement Form for Administrative Appeal

Proposed Project Name: _____

Physical Address of Property: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Zone: _____

Name of Applicant: _____

Phone Number(s): _____ Cell Number: _____

Applicant's Agent: _____

Phone Number(s): _____

Applicant's Email Address: _____

Agent's Email Address: _____

Property Owner: _____

Phone Number(s): _____

Acknowledgement and Understanding:

1. Applicant is responsible for ongoing compliance with all applicable laws, ordinances, rules and regulations.
2. Applicant has been informed of Chapter 20 of the *Talbot County Code* and Resolution 101, Rules of Procedure contains applicable laws, ordinances, Rules & Regulations.
3. Applicant is required to comply with all requirements and time lines to include: filing pre-hearing statements, serving copies of the application to every party of record and upon counsel to the Board and all other applicable requirements.

I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.

Applicant's Signature

Date

Attorney/Agent Signature

Date

Appeal Number: _____



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Property Directions

Directions to the Applicant's Property. Please Print Legible.

All Structures and Additions must be staked out upon submittal prior to the Department of Planning and Zoning and Board of Appeals site visit.

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.

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.

Building Permit: Upon the Written Decision from the Board of Appeals and compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to Talbot County Permits and Inspections Office.