

**IN THE MATTER OF
THE APPLICATION OF
BOBBY JOE MORETZ
(Special Exception, M2)**

**BEFORE THE CECIL COUNTY
BOARD OF APPEALS
FILE NO.: 3551**

OPINION

Application of Bobby Joe Moretz for renewal of a special exception to retain a singlewide manufactured home for security purposes located at 1433 Old Philadelphia Road, Elkton, Maryland 21921, in the Fifth Election District of Cecil County, in an area presently zoned Heavy Industrial (M2).

This application is brought under the provisions of Section 71.3 of the Ordinance which permits a manufactured home in the Heavy Industrial (M2) zone provided that the manufactured home is for the purposes of providing security for a business or industry conducted on the parcel where the manufactured home is to be located.

Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board of Appeals after considering all facts in the case unless the following findings are made:

1. Such use or any operation thereto will not be detrimental to or endanger the public health, safety, or general welfare.
2. The use will not be injurious to the peaceful use and enjoyment of other property in the neighborhood, nor substantially diminish or impair property values in the neighborhood.
3. The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone.

4. The use will not, with respect to existing development in the area and development permitted under existing zoning, overburden existing facilities including schools, police, fire protection, water and sewer, public roads, storm drainage, and other public improvements.
5. The use shall not adversely affect critical natural areas or areas of ecological importance.
6. The use shall, in all other respects, conform to the applicable regulations of the zone in which it is located.
7. That the particular use proposed at the particular location proposed, would not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone (*Schultz v. Pritts, 291 Md. 1*)
8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for Cecil County.

The applicant desires to maintain a manufactured home on his property located at 1433 Old Philadelphia Road, Elkton, Maryland 21921 in order to have someone present on the site for security purposes. The applicant states that the business at that location is a family business exporting logs. The applicant states that he went through this special exception process five years ago and that there has been no change on the property since that time.

The Board made no further inquiries of the Applicant.

No witnesses appeared on behalf of the applicant or in opposition to the request for the special exception.

Clifford Houston, Zoning Administrator, testified that the Planning Commission recommended approval of the application for so long as the applicant owns the property and operates the business.

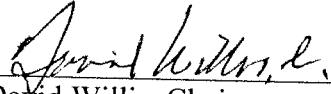
From the evidence presented the Board makes the following findings of facts pursuant to the requirements of Section 311:

1. That granting the application will not be detrimental to or endanger the public health, safety, or general welfare.
2. There was no evidence indicating that the use will be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor was there any evidence to demonstrate that such use will substantially diminish or impair property values in the neighborhood.
3. Normal and orderly development and improvement of the surrounding properties will not be impeded by the proposed use.
4. The use will not, with respect to existing development in the area and development permitted under existing zoning, overburden existing facilities including schools, police, fire protection, water and sewer, public roads, storm drainage, and other public improvements.
5. The use will not adversely affect critical natural areas or areas of ecological importance.
6. The use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. The particular use proposed at the particular location proposed, will not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone (*Schultz v. Pritts, 291 Md. 1*)
8. That adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in the public streets.
9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for Cecil County.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Section 71.3, along with *Schultz v. Pritts* have been met, and the Application is **APPROVED FOR SO LONG AS BOBBY JOE MORETZ OWNS THE PROPERTY AND OPERATES THE BUSINESS.**

Date: 6/28/2011



David Willis, Chairman

BOARD OF APPEALS APPLICATION
CIL COUNTY, MARYLAND

MEET. MONTH: May 2011
FILE NO. 3551

REQUEST IS FOR:
SPECIAL EXCEPTION RENEWAL (X)
SPECIAL EXCEPTION ()
VARIANCE ()
APPEAL ()

DATE FILED: 3-30-11
AMOUNT PD: 250.00
ACCEPTED BY: G Company

MAR 30 2011

OK # 1864
G + B Realty

APPLICANT INFORMATION

Bob Moretz
APPLICANT NAME - PLEASE PRINT CLEARLY
49 Lumbermill Lane ELKTON MD 21921
ADDRESS CITY STATE ZIP CODE
Bob Moretz 410 398 0578
APPLICANT SIGNATURE PHONE NUMBER

PROPERTY OWNER INFORMATION

G+B Realty, L.C. / Bobby Joe Moretz
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
49 Lumbermill Lane ELKTON MD 21921
ADDRESS CITY STATE ZIP CODE
Bob Moretz - MM G+B Realty L.C. 410 398 0578
PROPERTY OWNER SIGNATURE PHONE NUMBER

PROPERTY INFORMATION

1433 East Old Philadelphia Rd. 5 5-030722
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
*32 3 124 11 M2
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

PURPOSE OF APPLICATION - Indicate reasons why this application should be granted. (attach separate sheet if necessary)
The purpose of this application is to renew the special conditions for an occupancy permit for security purposes

On an attached sheet, **PLEASE** submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.

LAND USE DESIGNATION

Is property in the Critical Area? YES NO
If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: _____
Is property in the 100 year Floodplain? YES NO
Is property an Agricultural Preservation District? YES NO

If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

PROVISION OF ZONING ORDINANCE: Section 71-3
Zoning certificate # 04-2024

SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: #3116
Security purposes

SPECIAL EXCEPTION FOR A MANUFACTURED HOME - Please fill out the following information:

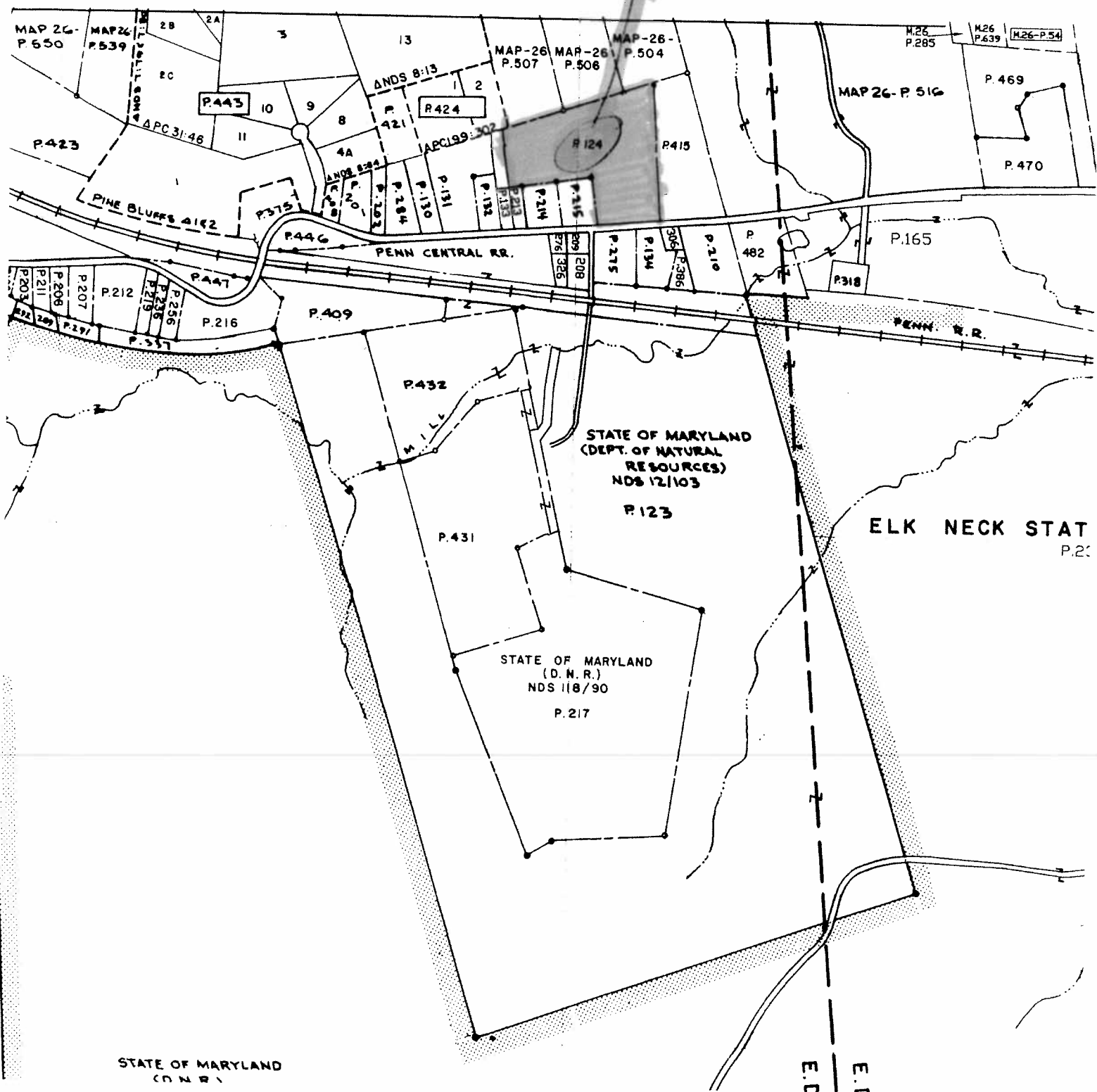
Will unit be visible from the road? _____ If yes, distance: _____
Will unit be visible from adjoining properties? _____ If yes, distance: _____
Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
Number of units on property at present time: _____

File # 3551

Bobby Joe Moritz
G + B Realty, LC

Map 32 / parcel 124

subject
property

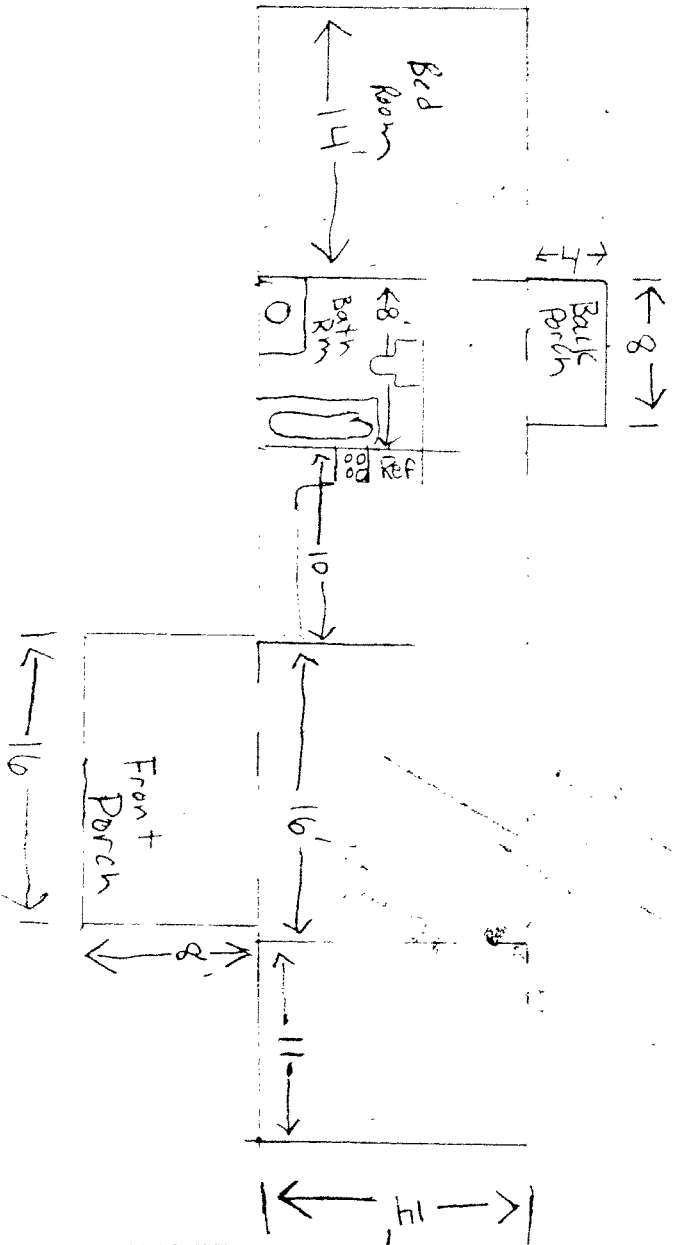


1" = 10'

G+B Reality

Single wide

60'



INSPECTIONS REQUIRED.

Structure To Be Built As Shown
Any Changes To Plans Must Be
Submitted For Review Prior To
Construction

LANDINGS
Minimum 3' By 3' Clearing Must Be
Required On Each Side Of An Egress Door

Reference to Fig. 5, 200
Any Raised Floor Structure Located 90" Above
The Floor Of A Room, Enclosed Space, Or More
Known Spaces, Must Be At Least 11" High Or
Overlaid.

ZONING CERTIFICATE

OFFICE OF PLANNING AND ZONING
CECIL COUNTY, MARYLAND

Zoning Certificate No. 04-2024 Date Approved 12/1/04
Application No. G8323 Subdiv. _____

Property Owner & Address G&B REALTY, LC.
49 LUMBER MILL LANE, ELKTON, MD 21921

Applicant & Address ELKTON HOMES
618 PULASKI HIGHWAY ELKTON, MD 21921

Proposed Use PLACEMENT OF SWMH BEING USED FOR OFFICE (LOG YARD) & (2) DECKS

Job Location 1433 OLD EAST PHILADELPHIA RD, ELKTON, MD 21921

Map 32 Block 3 Parcel 124 Lot _____ E.D. 5 Zone M2

Minimum Yard Requirements to be as follows:
Front yard depth to be no less than 75 feet from front property line or road right-of-way whichever is greater.
Rear yard depth to be no less than 60 feet from rear property line.
Side yard depth to be no less than 50 feet from side property line.
Maximum height: Structures not to exceed 15 feet in height.

* *Note: SWMH for office use only. Unit cannot be used for rental property or living quarters of any kind. etc*

**Special Conditions:
Activity in 100 Yr. Floodplain? Yes _____ No X
Base Floodplain Elev. if known: _____
Floodplain category or condition: _____
See additional attachment(s) for signature w/conditions for approval.
Yes _____ No _____

Site Plan Required Yes _____ No X
Approved By: _____
Chesapeake Bay Critical Area
Designation N/A
Assessment Approved: _____

Use of property and structure(s) as indicated above is subject to approval and issuance of permits by the Building, Electrical, and Plumbing inspectors, and the State/County Health Department of Cecil County. Use of the above property as located by the applicant, owner or agent, for the use indicated by the applicant, owner, or agent, is Approved, subject to the conformity of the use, and location with the minimum requirements and specifications of the Zoning Ordinance for the County of Cecil, Maryland, effective July 1, 1993, and Amendments thereto. It is the responsibility of the applicant, owner, or agent to comply with the requirements of the Zoning Ordinance. - - - Penalties for violations are indicated in Art. XIX Sec. 339 & 340 of the Zoning Ordinance.

CAUTION: A PERMIT WILL EXPIRE (1) YEAR FROM DATE OF ISSUE, UNLESS WORK IS STARTED AND DILIGENTLY PURSUED.

NOTE: Any decision of the Zoning Administrator may be appealed within 15 days to the Board of Appeals.

Bob Moritz 1-30-05
Signature of Authorization

Clifford L. Shue
Zoning Administrator or Agent

DEPARTMENT OF PERMITS AND INSPECTIONS
CECIL COUNTY, MARYLAND

CERTIFICATE OF USE AND/OR OCCUPANCY

BUILDING PERMIT NO. G-8323

APR 16 2005

LOCATION 1433 OLD EAST PHILADELPHIA RD, ELKTON, MD. 21921

OWNER G & B REALTY, LC

BUILDER ELKTON HOMES

TO BE USED AS PLACEMENT OF SWMH BEING USED FOR OFFICE (LOG YARD) & (2) DECKS

Occupancy at the above address is not authorized unless and until this permit has been approved by the following Departments of Cecil County. Failure to secure approval prior to occupancy could lead to prosecution to terminate unlawful use of occupancy as provided within the code.

DEPARTMENT APPROVAL

BUILDING H.C. POORE- DE DATE 4-15-05

REMARKS

ZONING Clifford L. Smith DATE 4-15-05

REMARKS

HEALTH DEPT. Charles E. Smyer DATE 4-20-05

REMARKS

PLUMBING Todd Brewer- E DATE 4-15-05

REMARKS

HVAC NA per H.T. O'Neal- E DATE 4-18-05

REMARKS

PUBLIC WORKS John A. Gledhill DATE 4-21-05

REMARKS

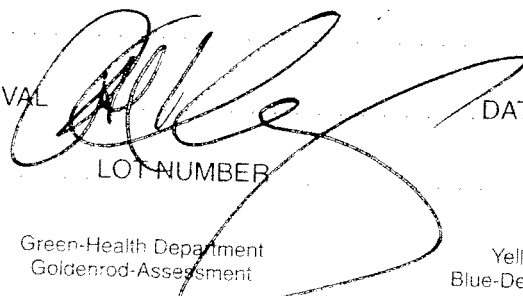
ELECTRIC W.W. Kranger- DE DATE 2-28-05

REMARKS

FIRE MARSHAL NA DATE

REMARKS

APPROVAL



DATE

4-22-05

MAP NUMBER

32-3-124

LOT NUMBER

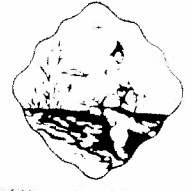
White-Customer Copy
Pink-Planning & Zoning

Green-Health Department
Goldenrod-Assessment

Yellow-Permits & Inspections
Blue-Department of Public Works



Cecil County
Health Department



John M. Byers Health Center
401 Bow Street
Elkton, Maryland 21921-5515

July 6, 2004

Case # 244-04

G & B Realty
1401 E. Old Philadelphia Road
Elkton, Maryland 21921

Re: Certificate of Potability
Well # CE-95-0261

Please be advised of the following information regarding your water supply:

Date Sampled: June 24, 2004.

- RESULTS:
- No Bacterial Contamination
 - Contamination with Coliform Bacteria
 - GROSS CONTAMINATION – Fecal Coliform Bacteria –
UNFIT FOR HUMAN CONSUMPTION
 - Nitrate: 1.7 ppm. Maximum limit is 10.0 ppm.
 - Turbidity: 1.7 units. Maximum limit is 10 units.

The following instructions should be followed:

- No further action required.
- In accordance with COMAR 26.04.04, governing well construction, this water supply may be put into service under this Certificate of Potability.

If you have any questions, please contact this office at 410-996-5160.

Very truly yours,

Charles E. Smyser
Director
Environmental Health Services

Handwritten notes:
Chuck Smyser called
4-21-05 410 996 5160
OK for certificate
of occupancy
will send to Bldg
inspector
CES/rg
/file

Handwritten notes:
Nothing to do
7-5-05 Donna

Healthy People, Healthy Communities, Healthy Lives

ADMINISTRATION	410-996-5550	COMMUNITY HEALTH SERVICES	410-996-5550	SPECIAL POPULATIONS	410-996-5550
ALCOHOL & DRUG CENTER	410-996-5160	ENVIRONMENTAL HEALTH SERVICES	410-996-5160	MENTAL HEALTH SERVICES	410-996-5160
COMMUNITY HEALTH ASSESSMENT	410-996-5160	HEALTH PROMOTION	410-996-5160	HEALTH SERVICES FOR DISABLED	410-996-5160
PLANNING & EVALUATION	410-996-5160	HEALTH DEPARTMENT	410-996-5160	MARYLAND DEPARTMENT OF HEALTH AND GENERAL SERVICES	410-996-5160

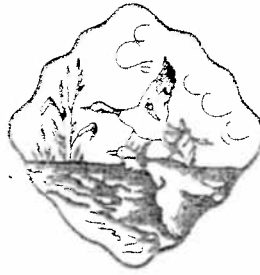
William Manlove
1st Commissioner District

Nelson K. Bolender, President
2nd Commissioner District

Harry A. Hepbron, Vice President
3rd Commissioner District

Phyllis Kilby
4th Commissioner District

Mark Guns
5th Commissioner District



Alfred C. Wein, Jr.
County Administrator
410-996-5203

Board of County Commissioners
107 North Street, Elkton, MD 21921
410-996-5201 Fax: 410-996-1014

CECIL COUNTY GOVERNMENT

129 East Main Street
Elkton, MD 21921

Cecil County Information
410-996-5200
410-658-4041

April 27, 2005

Bobby Joe Moretz
49 Lumber Mill Lane
Elkton, MD 21921

RE: File # 3116 - Special Exception to locate a singlewide manufactured home for security purposes.

Dear Mr. Moretz:

Enclosed please find the Opinion as rendered by the Cecil County Board of Appeals. Your application for the Special Exception referenced above was approved for five (5) years.

During the period the manufactured home remains on the property, you will be required to maintain an annual manufactured home license, as required by Section 292 of the Cecil County Zoning Ordinance. The license fee is \$15.00 per year and an application is enclosed for your convenience. Please remit payment within two weeks of receipt of this letter. Make checks payable to Cecil County Commissioners.

If you have any questions regarding the Opinion, please contact this office at 410-996-5225.

Sincerely,

Gale Dempsey
Administrative Assistant
Office of Planning and Zoning

Enclosure

cc: File

Handwritten: Ad. CK# 1383

Handwritten: 15.00 5-1-05

Reply to:

Office of Planning, Zoning & Parks
129 E. Main Street, Room 300
Elkton, Maryland 21921

410-996-5220 - Planning and Parks
410-996-5225 - Zoning
410-996-5305 - Fax

Budget Manager 410-996-5291	Department of Aging 410-996-5295	Economic Development 410-996-6292	Emergency Services 410-996-5350	Human Resources 410-996-5250	Information Systems 410-996-5205	Permits and Inspections 410-996-5237	Planning, Zoning and Parks 410-996-5220	Public Works 410-996-5265
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