

IN THE MATTER OF  
THE APPLICATION OF  
WEST CECIL HEALTH CENTER, INC.  
(Variance)

BEFORE THE CECIL COUNTY  
BOARD OF APPEALS  
CASE NO.: 3583

OPINION

Application of West Cecil Health Center, Inc. (“WCHC” or “Applicant”) for a 146-foot side yard setback variance and for a 78-foot rear yard setback variance for construction purposes at real property located at 49 Rock Springs Road, Conowingo, Maryland 21918, which is designated as Parcels 261 and 320 on Tax Map 9, Eighth Election District, Cecil County, Maryland (the “Property”). The Property is presently zoned Business General (“BG”), and is owned by West Cecil Health Center, Inc.

Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

A. The variance request is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.

B. Special conditions and circumstances exist that are peculiar to the land, buildings or structures involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.

D. The variance request does not arise from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

The Applicant appeared before the Board and was represented by Mark J. Rajkowski ("Rajkowski"), who is WCHC's Executive Director. Rajkowski testified that WCHC is a federally qualified health center, and a 501(c)(3) non-profit organization. WCHC's current address is 535 Rowlandsville Road, P.O. Box 99, Conowingo, Maryland 21919. According to a letter to the Board from Rajkowski dated February 28, 2012 (entered into evidence by WCHC as Exhibit #1), WCHC's mission is to increase access to comprehensive primary and preventative health care and to improve the health care status under-served, under-insured, and non-insured members of the community.

Rajkowski credibly testified that, on October 8, 2010, WCHC won a very competitive Federal Capital Development Grant of \$3.28 million dollars (the "FCD Grant") to construct a new facility. According to Rajkowski, the new facility would allow WCHC to expand services to include obstetrics, behavioral health, dentistry, x-ray and, potentially, an on-site pharmacy. Rajkowski's February 28<sup>th</sup> letter to the Board (Ex. #1) indicates that WCHC had to meet certain conditions under the FCD Grant prior to incurring construction costs.

Rajkowski also credibly testified that the WCHC Board of Directors reviewed several properties in Conowingo, and determined that the Chesapeake Properties consisting of 4.61 acres of land, was the only lot available that was construction ready, as this parcel was perc test approved and on file and undeveloped, which would facilitate

satisfactory performance on Environmental Assessments. See also, Ex. #1. The several other parcels reviewed by the WCHC Board had issues that made acquisition under the FCD Grant infeasible, for example, one parcel had previously been used as a gas station, and one as an airport. See, Id. Those uses would have prolonged the environmental assessments, and those parcels were not perc ready and on file, which would have required WCHC to wait until April, 2011 to have the properties perc tested. See, Id. The FCD Grant did not allow WCHC the convenience of time to wait for those additional environmental or perc tests. See, Id. As more fully established by Exhibit #1, WCHC determined that, due to the strict time frame for construction called for in the FCD Grant, acquisition of parcel 261 was the best option. See, Id. In order to provide more convenient ingress, egress and regress to its patients and employees, WCHC also acquired the adjacent parcel 320. See, Id.

On January 25, 2011, the Cecil County Economic Development Commission recommended that, due to the tight time limits for construction imposed by the FCD Grant, as well as the important health services to be provided by WCHC, the Board of County Commissioners for Cecil County approve WCHC's "fast track" request. See, Exhibit #1. In turn, the Board of County Commissioners unanimously approved the "fast track" process, which thereby expedited permitting for the project. See, Id.

On January 27, 2011 and again on January 28, 2011, WCHC published public legal notice of the environmental assessments on parcels 261 and 320 in the Cecil Whig. See, Exhibit #1. Those legal notices were also posted in the Rising Sun Public Library for 30-days. See, Id. Rajkowski testified that WCHC did not receive one comment in opposition to the project.

On February 4, 2011, WCHC selected an architect for the project and, on March 10, 2011, WCHC met with the Cecil County Office of Planning and Zoning (“P & Z”) to begin fast track planning of WCHC’s new facility. See, Exhibit #1. As of September, 2011, architectural design, including but not limited to electrical, HVAC, and plumbing had been completed, and submitted to the County for approval. See, Id. On September 26, 2011, WCHC submitted final architectural and engineering plans. See, Id.

On October 20, 2011, following a public bid process, WCHC selected a construction firm and awarded the project. See, Exhibit #1. On October 27, 2011, WCHC held a ceremonial ground breaking at the Property; a number of local and State elected officials attended the ceremonial ground breaking, including Cecil County Commissioners Robert Hodge and Diana Broomell, Maryland State Delegate David Rudolph, and United States Senators Benjamin Cardin and Nancy Jacobs. See, Id. The ceremonial ground breaking was also attended by members of the WCHC Board of Directors, WCHC staff, and local business owners and representatives. See, Id.

On or about January 3, 2012, the Board of County Commissioners for Cecil County adopted a new version of Article V, Part XII, Section 161 of the Cecil County Zoning Ordinance. See, Exhibit #1. Under new Section 161 of the Ordinance, a clinic<sup>1</sup> is permitted in the BG zone, provided: (1) The clinic is located at least 200 feet from any residential zone; (2) The clinic is located 750 feet from any structure used as a house of worship, school, or daycare; (3) Access to the site must be from a collector or arterial roadway and not from a local road or street in a residential subdivision. Adequate off-

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<sup>1</sup>The Cecil County Zoning Ordinance defines a “clinic” as “a place for the treatment of outpatients by three (3) or more health professionals in group practice. Health professionals include doctors, nurses, and counselors.” See, Article II, Part I, Section 12 of the Ordinance.

street parking must be provided; (4) All state permits and licenses required to operate the clinic have been obtained prior to applying for the occupancy permit; and, (5) A description of the medical services proposed to be rendered by the clinic shall be provided with the application for any occupancy permit. See, Article V, Part XII, Section 161 of the Ordinance. Prior to the adoption of Section 161, the Ordinance required a 20-foot side setback and a 60-foot rear setback for commercial structures in the BG zone; prior to the adoption of Section 161, WCHC's design, which provides for a 54-foot side setback and a 122-foot rear setback, met the side and rear setback requirements under the Ordinance. See, Exhibit #1.

Rajkowski testified, and Exhibit #1 further states, that adoption of the Section 161 was unforeseen at the time that WCHC acquired the parcels, as well as during the bidding, initial design, and permit phases of the project. See, Exhibit #1. Although WCHC meets most of the requirements of Section 161, the side and rear setbacks are not 200 feet from the adjacent residential zone. See, *Id.* As such, WCHC now requires a variance in order to progress the project and fulfill its obligations under the FCD Grant. See, *Id.*

Rajkowski's February 28, 2012 letter demonstrates that, on January 25, 2012, WCHC received SHA Temporary Access Permit #SHA-2-CE-4742-OT-12 and, further, that on January 30 2012, it received Erosion and Sediment Control ("E & S") approval from the County. See, Exhibit #1. In addition, on February 23, 2012, civil engineering drawings were submitted to the County, and are pending approval of Storm Water Management and Forest Conservation, respectively. See, *Id.*

Rajkowski credibly testified, and Exhibit #1 further states, that in 2011, WCHC had over 10,000 patient visits and, by year end, had a roster of over 5,200 individual

patients. See, Exhibit #1. Of those patients who were seen, 57% were uninsured or on Medicaid. See, Id. In support of the Application, WCHC submitted letters from Kenneth S. Lewis, M.D., J.D., President and CEO of Union Hospital of Cecil County, Laura Mayse, Executive Director, Cecil County Chamber of Commerce, and over 800 residents from Cecil County, neighboring Harford County, and the adjacent State of Pennsylvania.

In conclusion, Rajkowski credibly testified that, due to the time line and the grant requirements that the project be completed on or before September 30, 2012, WCHC is without sufficient time to start the project anew and to redesign to meet the requirements of Section 161 of the Ordinance. See, Exhibit #1. Rajkowski further testified, credibly, in this respect, that if the variance is denied, there is a very real possibility that WCHC will lose the FCD Grant; such an occurrence would prevent WCHC from expanding in order to meet the primary health care needs of the community. See, Exhibit #1. Competent, probative testimony by Rajkowski, as well as evidence submitted by WCHC as Exhibit #1 and the letters of support, demonstrates that, if the variance is denied and the FCD Grant lost, WCHC would be required to re-pay grant funds utilized on the project to-date, an occurrence that would significantly affect the current and future operations of WCHC. See, Id.

A number of individuals appeared in favor of the Application:

1. Al Reasin, testified that he lives ½ mile from the Property, that there is no negative associated with having the new facility in his neighborhood, that the community desperately needs the services provided by WCHC, and that he supports the variance.

2. Commissioner Diana Broomell, testified that WCHC is under an extremely tight deadline to complete the project and site, that the services to be offered

by WCHC in the new facility are desperately needed by the community, that the Property location is the best location in the area for the new facility, particularly in light of the fact that site remediation would take too long to complete at other potential properties.

3. Christine Newsome testified that she is a nurse practitioner for WCHC, that she treats 25 patients per day, most of them new patients, that she treats patients from infants to senior citizens, and that WCHC is an integral part of the community, particularly since it treats all patients, regardless of financial resources, insurance or ability to pay.

4. Richard Henderson testified that his property was part of the property sold to WCHC, that he considers the WCHC team to be nice people who are easy to deal with, that he's a senior citizen who has a long travel from Conowingo for health care without WCHC, and that the long travel is a big concern for him as a senior citizen, especially in the winter months when travel can be difficult.

5. Danielle Cochran testified that she is WCHC's office manager, that she has been with WCHC since the day it opened, that she has personally seen WCHC's patients' struggles, and that she observed a patient's grandmother who suddenly, due to family circumstances, was raising three of her grandchildren, needed health care for the children, and had no means to pay; the grandmother was able to obtain health care at WCHC, including immunizations and antibiotics, and that grandmother was so thankful for the health care provided at WCHC that the grandmother cried.

6. Dan Durham testified that he is the vice president of the WCHC Board of Directors, that the current WCHC offices are presently over crowded however WCHC nonetheless has an expanding patient base, and that the FCD Grant provides an

opportunity for WCHC to obtain a new, state of the art facility that would meet its patients' needs.

7. Commissioner James T. Mullin testified in his capacity as a real estate appraiser, and stated that the existing zoning was already in place, and doesn't change thereafter, that under its current zoning district regulations WCHC could be open until 1:30a.m. however, the WCHC facility is open only during normal business hours Monday through Friday, from 8a.m to 1p.m. on Saturdays, and closed on Sundays, and so is not a disruption to the community, and that the proposed new facility is one story in height which will be constructed on a hillside, and with the exception of the side and rear setbacks, meets all requirements of the BG zone.

8. Commissioner Robert Hodge testified that the Board of County Commissioners for Cecil County did not intend to create WCHC's current situation when Section 161 of the Ordinance was revised, that the Section 161 of the Ordinance (which he voted against) has had the unintended consequence of impacting this provider's project, and that he requests that the variances be granted.

9. Bob Lange testified that he is a member of the WCHC Board of Directors and a member of the Conowingo Lions Club, and that the WCHC staff's patient advocacy and enthusiasm is infectious and good for the community.

A number of individuals also appeared in opposition to the Application:

1. Cynthia Harvey testified that she is the owner of an adjacent property (parcel number 15), that she is opposed to the variances, that she doesn't want the new WCHC facility in her back yard, that there are plenty of other medical facilities in the area, that the plan to locate a pharmacy in the facility would increase crime in the



community, and that she doesn't feel safe having the new WCHC facility next to her property.

2. Bill Webb testified that the new WCHC facility is adjacent to the center of his back yard, that this is a rural area, that the presence of the facility in close proximity to his parcel will devalue his property, that his tax assessment has already gone down and will likely go down more, and that his property will be unlivable due to lights and noise from the new facility.

3. Kate Bartsoe testified that she lives across the street from the new WCHC facility, has been trying to build on her property, and wonders where the grant of variances by the Board will stop if the current application is approved.

4. Ann Jackson testified that she has reviewed the Cecil County Comprehensive Plan (the "Plan"), and that the Board should not disregard the policy set forth in the Plan. Ms. Jackson further testified that she is the former chair of the land use subcommittee, and does not want the land use subcommittee's efforts to be in vain; Ms. Jackson stated that, as a member of the land use subcommittee, the biggest question asked of her was why the Plan isn't followed - that there are too many variances and special exceptions granted. Ms. Jackson opined that the Plan encourages the retention of the County's rural character and development in the growth corridor, that the proposed WCHC facility is outside the growth corridor and in the Resource Conservation Area (the "RCA"), and that the location does not sustain the use proposed.

5. Dennis Clower, Esquire appeared on behalf of Bill Webb, and testified that a review of the criteria for a variance leads to the conclusion that the zoning regulations cannot result in actions such as that proposed by the Applicant. More

specifically, Mr. Clower testified that the variance process is a two step process that first requires a finding that the circumstances giving rise to the variance request are unique as compared to surrounding properties. Mr. Clower stated that, in his analysis of the current application, there is nothing unique about WCHC's circumstances as compared to others in the same zone. Mr. Clower further testified that, in his opinion, WCHC fails to satisfy the first element of the analysis, and so the analysis stops, the result being denial of the request. Mr. Clower further questioned whether WCHC meets the variance requirements. More specifically, Mr. Clower testified that Section 161 of the Ordinance prohibits construction of a clinic this close to residential properties, that the Applicant is attempting to shoe-horn the equivalent of a Cadillac Escalade into a space that is suitable only for a compact car, that the site plans have not been approved, and that the project can therefore be scaled down or moved closer to the street. Mr. Clower also stated that the Board must find that strict enforcement of the Ordinance would deprive WCHC of a right commonly owned by properties in the same zone.

In rebuttal, Rajkowski testified that lighting for the proposed structure is designed so that it will not leave the perimeter of the Property. Rajkowski further testified that the new facility will initially have three providers, with two exam rooms per provider and, further, that as a federally qualified health center, WCHC must accept all patients, regardless of insurance or ability to pay.

Mr. Rajkowski further testified in rebuttal that WCHC's real estate agent from Milestone Realty examined different locations for the project. For example, according to Rajkowski, WCHC desired to stay in Conowingo close to Route 1. WCHC originally looked at the former Sturgill automobile dealership lot, however, the site was not suitable

because the lot had previously been disturbed, which precluded necessary storm water management at that location and, further, because the lot had to perc, and due to the time of year, it would be months before the perc testing could be done.

The Board asked Rajkowski whether WCHC could reconfigure the site plan for the Property to meet Section 161 of the Ordinance. Mr. Rajkowski testified that the answer was “no,” and that WCHC could not build a smaller facility because its architect calculated the minimum square feet necessary based on the services that WCHC will be providing. In addition, Mr. Rajkowski testified that, because of time constraints under the FCD Grant, WCHC does not have sufficient time to revise the architectural plans.

From the evidence and testimony presented, the Board is satisfied that the criteria set forth in Section 306 has been met, and makes the following findings:

1. The variance request is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other properties in the same zone under the terms of this Ordinance. At the outset, it is worth noting that clinics such as that here are permitted in the BG zone, provided that five elements set forth pursuant to Section 161 are met. Importantly, Section 161 was adopted by the County over one year after WCHC had obtained the FCD Grant, and nine months after WCHC acquired the Property. WCHC had, prior to its acquisition of the Property, engaged in a period of substantial due diligence in order to ensure that the property it eventually acquired for the new facility met its current and future needs. Those needs include, but are not limited to, space sufficient to house WCHC’s existing providers and to treat WCHC’s existing patients, as well as space to expand its patient base and medical services; WCHC also sought a

location that was accessible to Route 1 in Conowingo. After investigating the feasibility of a number of locations, WCHC determined that the Property best fit its needs.

An important factor in WCHC's decision to acquire the Property was its suitability for the construction of a facility that would meet WCHC's current and future need for facility space. At the time that WCHC acquired the Property, Section 161 did not exist, and the Ordinance required a side setback of 20-feet, and a rear setback of 60-feet. On September 26, 2011, WCHC submitted final architectural and engineering plans to the County for approval. Those plans were based upon the then-existing setback requirements for commercial facilities in the BG zone, e.g., 20-foot side setback, and 60-foot rear setback, and it is not disputed that the plans submitted by WCHC complied with the setback requirements then in existence.

Over the course of the next three-plus months, WCHC's plans wound their way through the County's review and approval process. As the review process progressed, the clock on the FCD Grant continued to tick. On January 3, 2012, the County adopted Section 161. A consequence, albeit, perhaps, an unintended one, that arose as a result of the adoption of Section 161 is that the plans submitted by WCHC no longer meet all setback requirements under the Ordinance.

More specifically, Section 161 now requires that WCHC's facility be located at least 200-feet from any residential zone. WCHC's plans provide for a 54-foot side setback and a 122-foot rear setback; accordingly, WCHC's plans do not meet the new 200-foot setback requirement set forth under Section 161. WCHC has entered credible testimony and evidence that, due to time constraints imposed by the FCD Grant, WCHC cannot revise its architectural or engineering plans so as to meet the new 200-foot

setback requirement imposed by Section 161 of the Ordinance. WCHC has also entered credible evidence and testimony that, should the variance request be denied, it will likely lose the FCD Grant and, potentially, be required to repay sums advanced for construction under the grant. Rajkowski credibly testified that such an occurrence would jeopardize not just this project, but WCHC's operations as a whole.

WCHC's variance requests are based upon a situation that is, by the testimony of several County Commissioners, an unintended consequence of the enactment of Section 161. WCHC selected the Property because of its suitability for WCHC's construction plans, and WCHC's architectural and engineering plans, which were submitted months prior to the enactment of Section 161, were prepared in reliance upon, and were in compliance with, then-existing setback requirements. The situation here is significantly impacted by time constraints imposed by the FCD Grant, which preclude amendment of WCHC's architectural and engineering plans, as well as the draconian consequences that could well be imposed upon WCHC in the event that it fails to comply with FCD Grant time requirements. Moreover, other commercial businesses in the BG zone remain subject to far less stringent side and rear setback requirements (e.g., 20-foot side and 60-foot rear setbacks).

The Board hereby finds that WCHC's variance requests are based upon a situation where, due to all of the foregoing special circumstances, a literal enforcement of the provisions of Section 161 of the Ordinance will deprive WCHC of a right commonly enjoyed by other properties in the same zone under the terms of the Ordinance.

2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved, and that are not applicable to other lands,

buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the Applicant. As a threshold matter, compliance with the strict letter of the restrictions set forth pursuant to Section 161 governing setbacks from residential zones would unreasonably prevent WCHC from using the Property for a permitted purpose (e.g., operation of a commercial business in the BG zone), as well as render conformity with such restrictions unnecessarily burdensome.

As more fully set forth above, at the time that WCHC acquired the Property, Section 161 did not exist, and the Ordinance required that commercial facilities in the BG zone (such as WCHC's medical clinic) have a side setback of 20-feet, and a rear setback of 60-feet. On September 26, 2011, WCHC submitted final architectural and engineering plans to the County for approval. Those plans were based upon the then-existing setback requirements for commercial facilities in the BG zone, e.g., a 20-foot side setback, and a 60-foot rear setback. Credible evidence and testimony demonstrates that the plans submitted by WCHC complied with the setback requirements then in existence.

Months after WCHC's architectural and engineering plans were submitted to the County, the Ordinance was amended to add Section 161 and its more stringent setback restriction. As a result of the enactment of Section 161, WCHC does not meet the new 200-foot setback requirement, and time constraints imposed by the FCD Grant preclude WCHC from now amending its architectural and engineering plans in order to meet the new requirements. Of note, Section 161 applies only to clinics such as the proposed WCHC facility, and not to other (non-clinic) commercial businesses in the BG zone.

As a result of the enactment of Section 161, special conditions and circumstances now exist that are peculiar to the subject land, buildings or structures involved, and that

are not applicable to other lands, buildings, or structures used for commercial purposes in the same zone. The special conditions and circumstances set forth above occurred after enactment of Section 161, and are not the result of actions by the Applicant. Accordingly, compliance with the strict letter of Section 161(1) will unreasonably prevent WCHC from using the Property for a permitted purpose.

Moreover, conformity with the requirements of Section 161(1) is unnecessarily burdensome to WCHC. In order to comply with Section 161(1), WCHC would be required to submit new architectural and engineering plans. Credible evidence before the Board demonstrates, however, that WCHC is without sufficient time under the FCD Grant within which to start the plan submission process anew. Accordingly, in order to meet the requirements of Section 161(1), WCHC would likely lose the FCD Grant and face the harsh consequences that could be imposed by the grant funding source. As stated above, such an occurrence could have catastrophic consequence upon WCHC's continued operations. Based on the foregoing, the Board finds that conformity with the requirements of Section 161(1) is unnecessarily burdensome to WCHC.

Conversely, the record here establishes that approval of the variances applied for would do substantial justice to the Applicant as well as to other property owners in the zone. Credible testimony and evidence offered by WCHC, particularly the testimony of Rajkowski, Mr. Reasin, Commissioner Broomell, Ms. Newsome, Mr. Henderson, Ms. Cochran, and Mr. Lange, and correspondence from Dr. Kenneth S. Lewis of Union Hospital, demonstrate that other property owners in the BG zone will be substantially benefitted by WCHC's proposed facility. Additionally, WCHC initially met all zoning requirements when it submitted its architectural and engineering plans in September,

2011. Approval of the variances requested here will do substantial justice in avoiding the unintended consequences inherent in a literal enforcement of the provisions of Section 161.

And, in this respect, the Board further finds that the relief requested here can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. The purpose of the BG zone is to provide for commercial uses, activities and combinations thereof of a general nature, including retail, wholesale, and business intended to service an area of several communities. See, Article III, Part V, Section 35 of the Ordinance. Credible evidence and testimony, and particularly the testimony of Rajkowski, demonstrates that WCHC is a clinic that serves not only Conowingo residents, but patients from all parts of Cecil County, patients from Harford County, and patients from adjacent portions of Pennsylvania. The WCHC clinic is, as such, the type of commercial use contemplated in the BG zone.

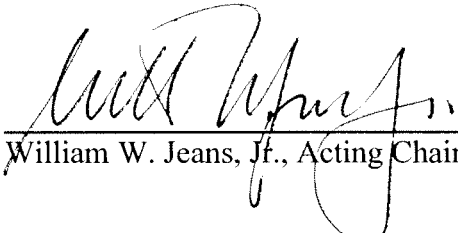
3. The granting of the variance will not confer upon the Applicant special privileges that are denied by this Ordinance to other properties in the same zone. As stated above, other non-clinic commercial facilities in the BG zone must have 20-foot side setbacks and a 60-foot rear setback. WCHC meets both of those setback requirements. Accordingly, the granting of the variance will not confer upon the Applicant special dispensation that is denied other property owners in the BG zone.

4. There is no evidence in this record that demonstrates, or tends to demonstrate, that the variance requests arise from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.



For the reasons above-stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 has been met, and the application for a 146-foot side setback variance, and for a 78-foot rear setback variance are, therefore, respectively **APPROVED.**

3/27/12  
Date

  
William W. Jeans, Jr., Acting Chairperson

**BOARD OF APPEALS APPLICATION**  
CECIL COUNTY, MARYLAND

MEET. MONTH: Feb. 02  
FILE NO. 3583

THIS REQUEST IS FOR:  
SPECIAL EXCEPTION RENEWAL  
SPECIAL EXCEPTION  
VARIANCE  
APPEAL

CK# 3583  
DATE FILED: 1/17/12  
AMOUNT PD: \$250.00  
ACCEPTED BY: [Signature]  
*per Cliff Houston*

**A. APPLICANT INFORMATION**

*Mail TO*

West Cecil Health Center Inc. / Mark J. Rajkowski  
APPLICANT NAME - PLEASE PRINT CLEARLY  
535 Rowlandsville Rd Conowingo MD 21918  
ADDRESS CITY STATE ZIP CODE  
Mark J. Rajkowski Executive Director 4103789696  
APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

West Cecil Health Center Inc.  
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
49 Rock Springs Road Conowingo MD 21918  
ADDRESS CITY STATE ZIP CODE  
Mark J. Rajkowski Executive Director 4103789696  
PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

49 Rock Springs, <sup>8TH</sup> ~~34B~~ 003939/000778  
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
9 19 261 & 320 3/NA 4.61/.78 BG  
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

**D. PURPOSE OF APPLICATION** - Indicate reasons why this application should be granted. (attach separate sheet if necessary)

See Attached  
146' Side Yard setback variance  
78' REAR Yard setback variance

**E. 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.**

**F. 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.

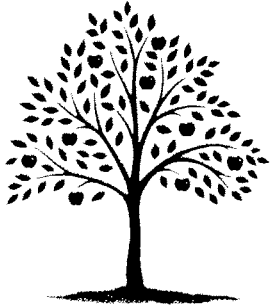
**G. PROVISION OF ZONING ORDINANCE:** Section 161 & 306

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: N/A

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

Will unit be visible from the road? N/A 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: \_\_\_\_\_

January 13, 2012



**WEST CECIL  
HEALTH CENTER**

*Community Health Care  
Within Reach*



[www.westcecilhealth.org](http://www.westcecilhealth.org)



*535 Rowlandsville Road  
P.O. Box 99  
Conowingo, MD 21918*

**410.378.9696** tel  
**877.378.9696** toll free  
410.378.9922 fax

Office of Planning and Zoning  
200 Chesapeake Boulevard  
County Administration Building, Room 2300  
Elkton, MD 21921

To Whom It May Concern:

West Cecil Health Center Inc. is a Federally Qualified Health Center and a Non-Profit 501(c)3 located at 535 Rowlandsville Road in Conowingo, Maryland.

The mission of the health center is to increase access to comprehensive primary and preventive health care and to improve the health care status of underserved, underinsured, and noninsured members of the community.

In 2011 West Cecil Health Center had over 10,000 patient visits and by year-end has a roster of over 5,200 individual patients that are served. Of those that are seen, 57% are uninsured or have Medicaid. West Cecil Health Center not only serves the western section of Cecil County but also has patients that come as far as Cecilton, Bel Air, Baltimore, and Street MD. Being on the state line, we also serve some patients from Pennsylvania.

On October 8<sup>th</sup>, 2010 West Cecil Health Center won a Capital Development Grant to build a new facility that would enable the center to expand services to one day include Obstetrics, Behavioral Health, Dentistry, X-Ray and possibly an on site Pharmacy. A condition of the grant is that construction must be completed by September 30<sup>th</sup> 2012.

On January 25<sup>th</sup>, 2011 the Economic Development recommended the commissioners to approve the fast-track request due to the tight schedule, terms of the grant and the important health services the center will provide to the community. The commissioners voted unanimously to approve the fast-track approval process to help issues permits as quickly as possible for the \$3.28 million dollar project.

The Architect and Engineering firms were selected on February 4<sup>th</sup>, 2011. A meeting was held on March 10<sup>th</sup> with Planning and Zoning to kick off the fast track planning of West Cecil Health Center new building. At that time there were no issues found with initial design and location of the facility. The architecture design including electrical, HVAC and plumbing have all been completed since September 2011 and have been submitted to county for approval as of September 2011.

The construction firm was awarded the project on October 20<sup>th</sup>, 2011. The ceremonial ground breaking ceremony was held on October 27<sup>th</sup>, 2011. Both Commissioner Robert Hodge and Commissioner Diana Broomell attended along with Delegate Dave Rudolph, and Senator Ben Cardin and Senator Nancy Jacobs.

On January 3<sup>rd</sup>, the new clinic ordinance was put in place:  
200 ft. from residential zone  
750 ft. from house of worship  
Access to the site from a collector or arterial road

West Cecil Health Center has met all of these except for being 200 ft. from a residential zone. The design of the new facility is 54 ft. from the neighboring Agricultural-Residential District and is 179 ft. from the residence of this same adjoining property.

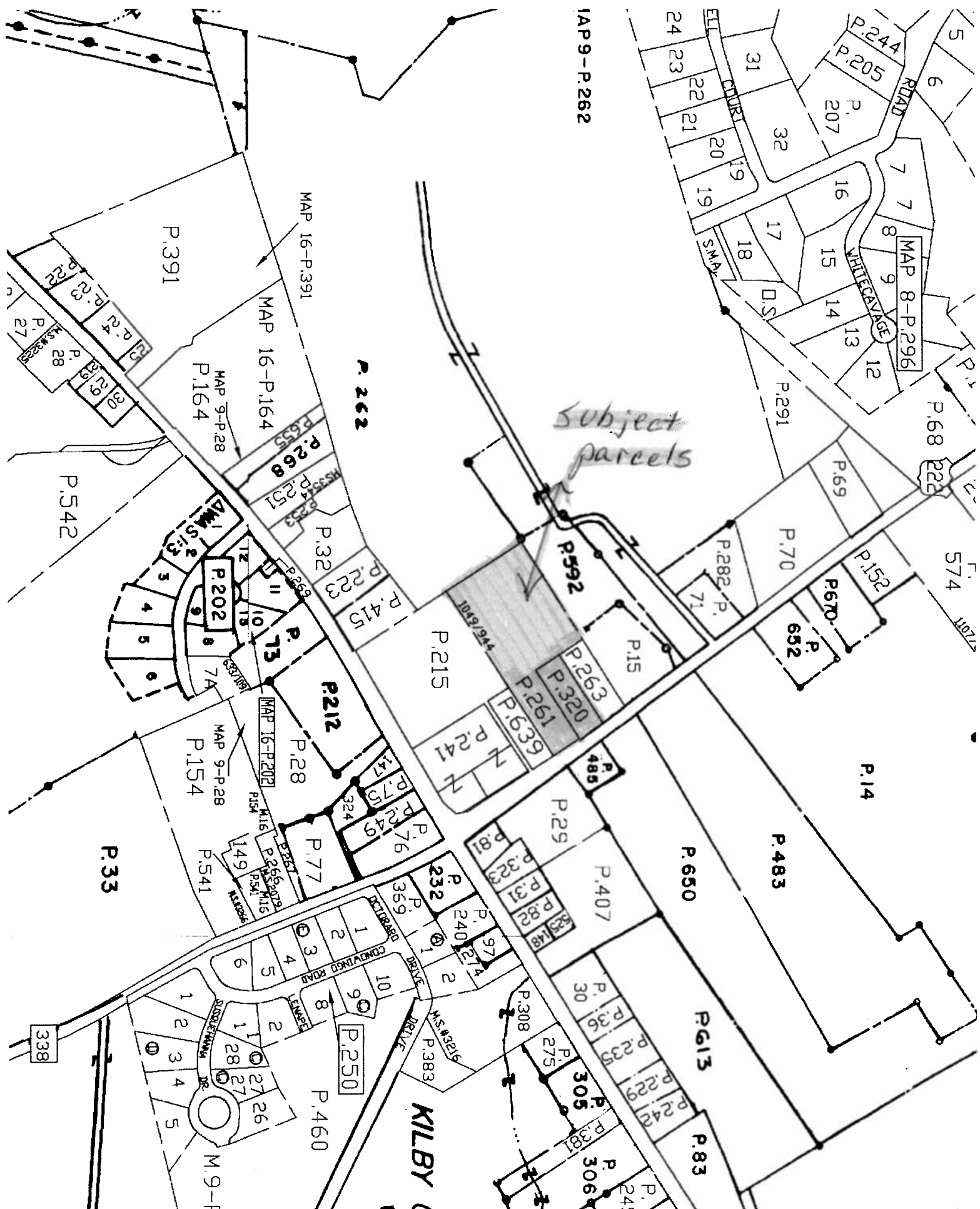
Since this is a new regulation that could not have been foreseen in the initial design of the site West Cecil Health Center is asking for Special Exception of this zoning requirement. The Civil Engineering drawings have since been submitted and are near 100% complete pending approval of Storm Water Management, Forest Conservation and Erosion drawings.

Due to the time line and the grant requirements to complete this project by September 30th 2012 there is no time to start this project over and redesign to accommodate this ordinance. If we are not granted an exception there is a very real possibility that West Cecil Health Center would loose this grant and not be able to continue to grow to meet the Primary Health Care needs of our community. By losing the grant, West Cecil Health Center would have to pay back to the government the funds used to date. This would significantly affect the current and future operation of the business.

Sincerely,

A handwritten signature in black ink that reads "Mark J. Rajkowski". The signature is written in a cursive, flowing style.

Mark J. Rajkowski  
Executive Director  
[MRajkowski@westcecilhealth.org](mailto:MRajkowski@westcecilhealth.org)  
(410) 378-9696 office  
(410) 378-0787



IAP 9 - P.262

Subject parcels

File # 3583 - West Cecil Health Center, Inc  
map 9 / parcels 261 and 320

|    |  |
|----|--|
| 1  | ASB MAP COMMUNITY MAP 7, UNITS 102-103 |
| 2  | ASB MAP COMMUNITY MAP 7, UNITS 102-103 |
| 3  | ELECTRIC DISTRIBUTION, 8.1, 10.5, 10.6 |
| 4  | DEED REFERENCES, W&B 281343 & 281344   |
| 5  | PROPERTY LINES                         |
| 6  | PROPERTY LINES                         |
| 7  | PROPERTY LINES                         |
| 8  | PROPERTY LINES                         |
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| 14 | PROPERTY LINES                         |
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| 17 | PROPERTY LINES                         |
| 18 | PROPERTY LINES                         |

**GENERAL NOTES**

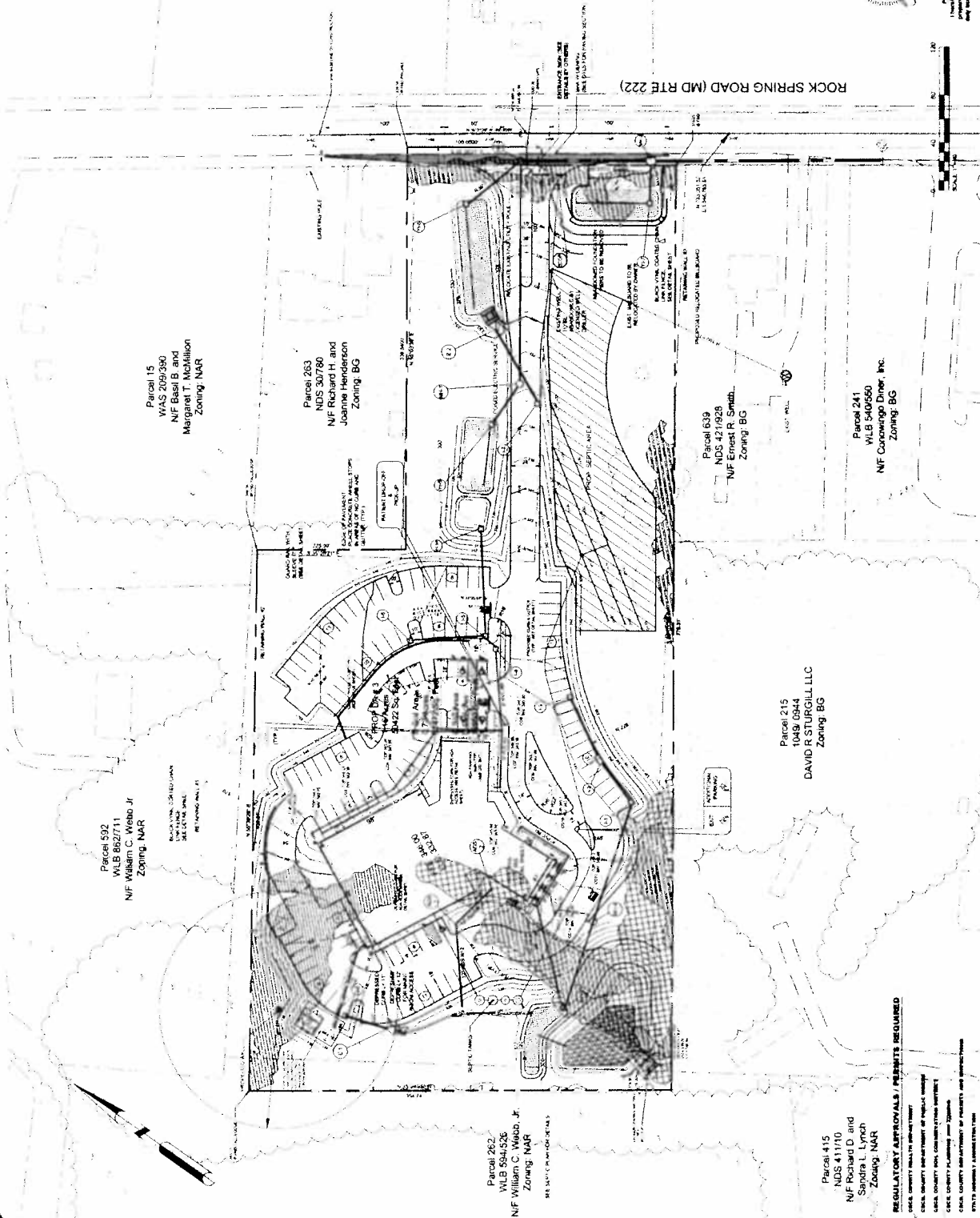
1. ASB MAP COMMUNITY MAP 7, UNITS 102-103
2. ASB MAP COMMUNITY MAP 7, UNITS 102-103
3. ELECTION DISTRICTS, 8.1, 10.5, 10.6
4. DEED REFERENCES, W&B 281343 & 281344
5. PROPERTY LINES
6. PROPERTY LINES
7. ZONING, R-6 (COMMERCIAL RESIDENTIAL)
8. LOWER LEVEL, 18'-0" TO 7'
9. TOTAL BUILDING AREA, 2,325 SQ FT
10. TOTAL BUILDING AREA, 2,325 SQ FT
11. TOTAL BUILDING AREA, 2,325 SQ FT
12. TOTAL BUILDING AREA, 2,325 SQ FT
13. TOTAL BUILDING AREA, 2,325 SQ FT
14. TOTAL BUILDING AREA, 2,325 SQ FT
15. TOTAL BUILDING AREA, 2,325 SQ FT
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17. TOTAL BUILDING AREA, 2,325 SQ FT
18. TOTAL BUILDING AREA, 2,325 SQ FT

|  |  |   |
|--|--|---|
| <b>Owner/Developer</b><br>West Cecil Health Center<br>535 Rowlands Road<br>Conowingo, MD 20817<br>Attn: Mr. Mike Raymond<br>410 318 9698 | <b>West Cecil Health Center</b><br>Conowingo, MD | <b>LAYOUT &amp; UTILITY</b><br>C21<br>003<br>004<br>005<br>006<br>007<br>008<br>009<br>010<br>011<br>012<br>013<br>014<br>015<br>016<br>017<br>018<br>019<br>020<br>021<br>022<br>023<br>024<br>025<br>026<br>027<br>028<br>029<br>030<br>031<br>032<br>033<br>034<br>035<br>036<br>037<br>038<br>039<br>040<br>041<br>042<br>043<br>044<br>045<br>046<br>047<br>048<br>049<br>050<br>051<br>052<br>053<br>054<br>055<br>056<br>057<br>058<br>059<br>060<br>061<br>062<br>063<br>064<br>065<br>066<br>067<br>068<br>069<br>070<br>071<br>072<br>073<br>074<br>075<br>076<br>077<br>078<br>079<br>080<br>081<br>082<br>083<br>084<br>085<br>086<br>087<br>088<br>089<br>090<br>091<br>092<br>093<br>094<br>095<br>096<br>097<br>098<br>099<br>100<br>101<br>102<br>103<br>104<br>105<br>106<br>107<br>108<br>109<br>110<br>111<br>112<br>113<br>114<br>115<br>116<br>117<br>118<br>119<br>120<br>121<br>122<br>123<br>124<br>125<br>126<br>127<br>128<br>129<br>130<br>131<br>132<br>133<br>134<br>135<br>136<br>137<br>138<br>139<br>140<br>141<br>142<br>143<br>144<br>145<br>146<br>147<br>148<br>149<br>150<br>151<br>152<br>153<br>154<br>155<br>156<br>157<br>158<br>159<br>160<br>161<br>162<br>163<br>164<br>165<br>166<br>167<br>168<br>169<br>170<br>171<br>172<br>173<br>174<br>175<br>176<br>177<br>178<br>179<br>180<br>181<br>182<br>183<br>184<br>185<br>186<br>187<br>188<br>189<br>190<br>191<br>192<br>193<br>194<br>195<br>196<br>197<br>198<br>199<br>200<br>201<br>202<br>203<br>204<br>205<br>206<br>207<br>208<br>209<br>210<br>211<br>212<br>213<br>214<br>215<br>216<br>217<br>218<br>219<br>220<br>221<br>222<br>223<br>224<br>225<br>226<br>227<br>228<br>229<br>230<br>231<br>232<br>233<br>234<br>235<br>236<br>237<br>238<br>239<br>240<br>241<br>242<br>243<br>244<br>245<br>246<br>247<br>248<br>249<br>250<br>251<br>252<br>253<br>254<br>255<br>256<br>257<br>258<br>259<br>260<br>261<br>262<br>263<br>264<br>265<br>266<br>267<br>268<br>269<br>270<br>271<br>272<br>273<br>274<br>275<br>276<br>277<br>278<br>279<br>280<br>281<br>282<br>283<br>284<br>285<br>286<br>287<br>288<br>289<br>290<br>291<br>292<br>293<br>294<br>295<br>296<br>297<br>298<br>299<br>300<br>301<br>302<br>303<br>304<br>305<br>306<br>307<br>308<br>309<br>310<br>311<br>312<br>313<br>314<br>315<br>316<br>317<br>318<br>319<br>320<br>321<br>322<br>323<br>324<br>325<br>326<br>327<br>328<br>329<br>330<br>331<br>332<br>333<br>334<br>335<br>336<br>337<br>338<br>339<br>340<br>341<br>342<br>343<br>344<br>345<br>346<br>347<br>348<br>349<br>350<br>351<br>352<br>353<br>354<br>355<br>356<br>357<br>358<br>359<br>360<br>361<br>362<br>363<br>364<br>365<br>366<br>367<br>368<br>369<br>370<br>371<br>372<br>373<br>374<br>375<br>376<br>377<br>378<br>379<br>380<br>381<br>382<br>383<br>384<br>385<br>386<br>387<br>388<br>389<br>390<br>391<br>392<br>393<br>394<br>395<br>396<br>397<br>398<br>399<br>400<br>401<br>402<br>403<br>404<br>405<br>406<br>407<br>408<br>409<br>410<br>411<br>412<br>413<br>414<br>415<br>416<br>417<br>418<br>419<br>420<br>421<br>422<br>423<br>424<br>425<br>426<br>427<br>428<br>429<br>430<br>431<br>432<br>433<br>434<br>435<br>436<br>437<br>438<br>439<br>440<br>441<br>442<br>443<br>444<br>445<br>446<br>447<br>448<br>449<br>450<br>451<br>452<br>453<br>454<br>455<br>456<br>457<br>458<br>459<br>460<br>461<br>462<br>463<br>464<br>465<br>466<br>467<br>468<br>469<br>470<br>471<br>472<br>473<br>474<br>475<br>476<br>477<br>478<br>479<br>480<br>481<br>482<br>483<br>484<br>485<br>486<br>487<br>488<br>489<br>490<br>491<br>492<br>493<br>494<br>495<br>496<br>497<br>498<br>499<br>500<br>501<br>502<br>503<br>504<br>505<br>506<br>507<br>508<br>509<br>510<br>511<br>512<br>513<br>514<br>515<br>516<br>517<br>518<br>519<br>520<br>521<br>522<br>523<br>524<br>525<br>526<br>527<br>528<br>529<br>530<br>531<br>532<br>533<br>534<br>535<br>536<br>537<br>538<br>539<br>540<br>541<br>542<br>543<br>544<br>545<br>546<br>547<br>548<br>549<br>550<br>551<br>552<br>553<br>554<br>555<br>556<br>557<br>558<br>559<br>560<br>561<br>562<br>563<br>564<br>565<br>566<br>567<br>568<br>569<br>570<br>571<br>572<br>573<br>574<br>575<br>576<br>577<br>578<br>579<br>580<br>581<br>582<br>583<br>584<br>585<br>586<br>587<br>588<br>589<br>590<br>591<br>592<br>593<br>594<br>595<br>596<br>597<br>598<br>599<br>600<br>601<br>602<br>603<br>604<br>605<br>606<br>607<br>608<br>609<br>610<br>611<br>612<br>613<br>614<br>615<br>616<br>617<br>618<br>619<br>620<br>621<br>622<br>623<br>624<br>625<br>626<br>627<br>628<br>629<br>630<br>631<br>632<br>633<br>634<br>635<br>636<br>637<br>638<br>639<br>640<br>641<br>642<br>643<br>644<br>645<br>646<br>647<br>648<br>649<br>650<br>651<br>652<br>653<br>654<br>655<br>656<br>657<br>658<br>659<br>660<br>661<br>662<br>663<br>664<br>665<br>666<br>667<br>668<br>669<br>670<br>671<br>672<br>673<br>674<br>675<br>676<br>677<br>678<br>679<br>680<br>681<br>682<br>683<br>684<br>685<br>686<br>687<br>688<br>689<br>690<br>691<br>692<br>693<br>694<br>695<br>696<br>697<br>698<br>699<br>700<br>701<br>702<br>703<br>704<br>705<br>706<br>707<br>708<br>709<br>710<br>711<br>712<br>713<br>7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**Civil Concepts, LLC**  
 10000 WOODBURN ROAD  
 SUITE 100  
 GREENBELT, MD 20818  
 TEL: 301-441-1111  
 WWW.CIVILCONCEPTS.COM



**PROFESSIONAL CERTIFICATION**  
 I hereby certify that these documents were prepared or supervised by me, and that I am a duly Licensed Professional Engineer in the State of Maryland.  
 License No. 1049/0944, Expiration Date: 03/31/21



Parcel 592  
 WLB 862711  
 N/F William C. Webb Jr.  
 Zoning: NAR

Parcel 15  
 WLB 2019390  
 N/F Bob B. and  
 Margaret T. McMillan  
 Zoning: NAR

Parcel 263  
 NDS 30780  
 N/F Richard H. and  
 Joanne Henderson  
 Zoning: BG

Parcel 639  
 NDS 421928  
 N/F Ernest R. Smith  
 Zoning: BG

Parcel 241  
 WLB 500580  
 N/F Cowbergo Diner, Inc.  
 Zoning: BG

Parcel 215  
 1049/0944  
 DAVID R STURGILL LLC  
 Zoning: BG

Parcel 415  
 NDS 411/10  
 N/F Richard D. and  
 Sandra L. Lynch  
 Zoning: NAR

Parcel 262  
 WLB 594526  
 N/F William C. Webb, Jr.  
 Zoning: NAR

**REGULATORY APPROVALS / PERMITS REQUIRED**  
 LOCAL GOVERNMENT: PERMITS REQUIRED  
 STATE GOVERNMENT: PERMITS REQUIRED  
 FEDERAL GOVERNMENT: PERMITS REQUIRED  
 OTHER: PERMITS REQUIRED

File # 3583