

IN THE MATTER OF

BEFORE THE CECIL COUNTY

SHANNON MOORE

BOARD OF APPEALS

(Special Exception – Rural Residential)

CASE NO.: 3602

OPINION

Application of Shannon Moore (hereinafter, “Moore” or the “Applicant”), for a special exception to locate a single-wide manufactured home for hardship purposes at property located at 36 Oakwood Road, Conowingo, Maryland 21918, being designated as Parcel 70 on Tax Map 8, in the Eighth Election District of Cecil County, in an area presently zoned Rural Residential (RR). The property is owned by Thomas Moore.

This application is brought under the provisions of Article V, Part III, Section 71.2, and Section 54.4 Table of Permissible Uses 3.01.300 of the Ordinance, which permits a single-wide manufactured home as a Special Exception in the RR zone provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For purposes of this provision, “immediate family” shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

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 operations thereto will not be detrimental to or endanger the public health, safety, or general welfare.

2. The use will not be unduly 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 public facilities, including schools, police and fire protection, water and sewer, public road, 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 the County.

Applicant requests a special exception to locate a single-wide manufactured home on the Property for hardship purposes. The Applicant appeared before the Board together with Thomas Moore, who is her father and the Property owner, and her mother, Mary Moore. Thomas Moore testified that the Applicant is requesting the single wide unit for occupancy by their daughter, Shannon. Mr. Moore testified that Shannon has an infant, and cannot afford an apartment at this time. Mr. Moore further testified that eight (8) individuals presently reside in the primary

dwelling, and that he and the Applicant cannot afford to construct an addition to the primary dwelling at this time. Mr. Moore testified that due to the economy, Shannon's schooling, and Shannon's employment situation, Shannon would be expected to reside in the mobile unit for at least five (5) years. Mr. Moore testified that the well was installed within the last five (5) years and, further, that the septic system was upgraded within the last five (5) years. Mr. Moore stated that the mobile unit would be visible only from Oakwood Road, and that he has talked with all of his neighbors about the special exception. Mary Moore testified that the neighboring owners of the Oakwood Garage and the neighbor who appeared at a prior hearing have no opposition and, further, that a new neighbor has no opposition. Mrs. Moore did not identify the foregoing neighbors by name.

No one spoke either in favor or against the application.

Cliff Houston, Zoning Administrator, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the application for two (2) years, as long as Shannon Moore resides in the mobile unit, whichever shall sooner occur.

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

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare. There was no opposition to the application at the hearing or submitted to the Board in writing, and the Applicant presented credible testimony that the Property is serviced by well and septic that have been installed/upgraded within the past five (5) years.

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. The application for special exception was supported by competent testimony which demonstrates that the use will be consistent with the current use of the manufactured home for hardship purposes and in accordance with the requirements of Section 71.2 of the Ordinance. The Applicant will reside in the mobile unit with her infant child, a use which is consistent with the residential character of the area. Additionally, as set forth above, the application was submitted and a hearing held without opposition to the Applicants' request.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use.

4. There was no evidence indicating that the use will, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. Rather, as stated above, the well and septic have been installed/upgraded within the past five (5) years and, further, the mobile unit will house one adult individual, which should have a minimal impact on schools, police, fire, public road, and public facilities. The Applicant's child is an infant, and will have no impact on local schools during the two (2) year period of this special exception.

5. The proposed use will not adversely affect critical natural areas or areas of ecological importance. The Property is not in the Critical Area, the Critical Area Buffer, or the 100-year floodplain.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located. The Board specifically finds that the Applicant meets all supplemental conditions of Section 71.2 of the Ordinance; the Applicant has demonstrated that a

hardship exists to her as a member of the Property owner's immediate family, specifically, the Applicant has an infant child, and due to the economy and her employment situation, cannot afford an apartment of her own.

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 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 the County. As stated above, the Board finds that the Applicants meet all applicable provisions of Article V, Part III, Section 71.2 of the Ordinance.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Article V, Part III, Section 71.2, Sections 3.01.300 and 311 of the Ordinance, as well as *Schultz v. Pritts*, 291 Md. 1 (1981) have been met, and the application is therefore **APPROVED FOR TWO (2) YEARS, AS LONG AS SHANNON MOORE RESIDES IN THE MOBILE/MANUFACTURED UNIT, WHICHEVER SHALL SOONER OCCUR.**

6/26/2012  
Date

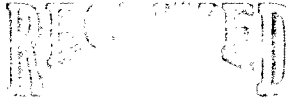
David Willis, Jr.  
David Willis, Chairperson

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

MEET. MONTH: May 2012  
 FILE NO. 3602

**THIS REQUEST IS FOR:**

- SPECIAL EXCEPTION RENEWAL ( )
- SPECIAL EXCEPTION (X)
- VARIANCE ( )
- APPEAL ( )



DATE FILED: 4/19/12  
 AMOUNT PD: \$250.00  
 ACCEPTED BY: EXH

APR 19 2012

**A. APPLICANT INFORMATION**

CECIL COUNTY OFFICE OF  
 PLANNING & ZONING

Shannen Moore  
 APPLICANT NAME - PLEASE PRINT CLEARLY

36 Oakwood Rd. Conowingo MD 21918  
 ADDRESS CITY STATE ZIP CODE

Shannen Moore 410-920-3858  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Thomas Moore  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

36 Oakwood Rd. Conowingo MD 21918  
 ADDRESS CITY STATE ZIP CODE

Thomas Moore 302-373-3737  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

36 Oakwood Rd. 8TH 08-003947  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

8 12 70 - 3.34 RR  
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Singlewide mobile home for hardship purposes

**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 DESIGNINATION**

Is property in the Critical Area? \_\_\_\_\_ YES \_\_\_\_\_ X NO  
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: \_\_\_\_\_  
 Is property in the 100 year Floodplain? \_\_\_\_\_ YES \_\_\_\_\_ X NO  
 Is property an Agricultural Preservation District? \_\_\_\_\_ YES \_\_\_\_\_ X 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 71.2

**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?  Yes If yes, distance: 78'

Will unit be visible from adjoining properties? Some If yes, distance: 1500'

Distance to nearest manufactured home: 1/4 mile Size/Model/Year of Unit: 14'x70'

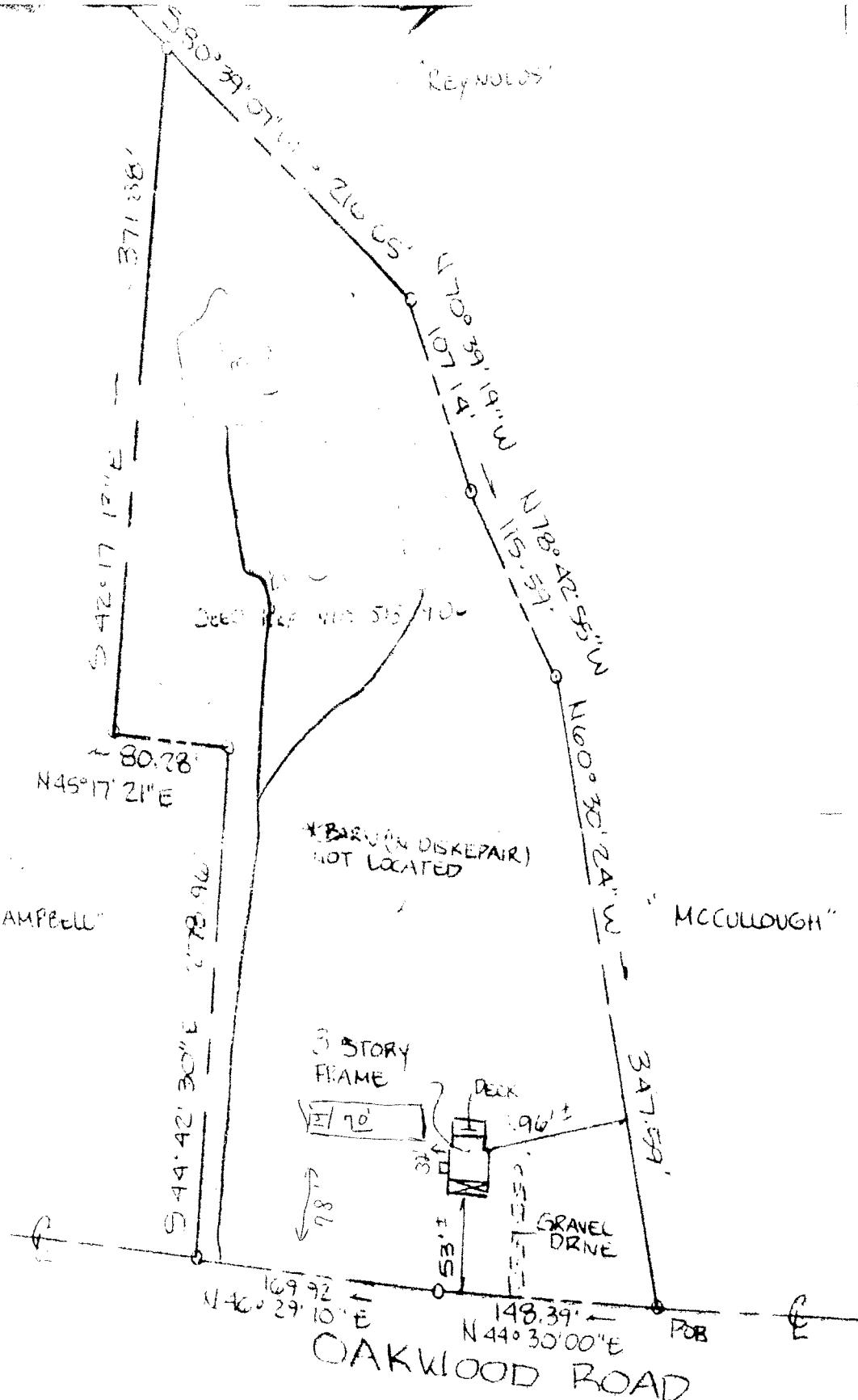
Number of units on property at present time: 1 single family home

4-19-12

To Whom it may concern

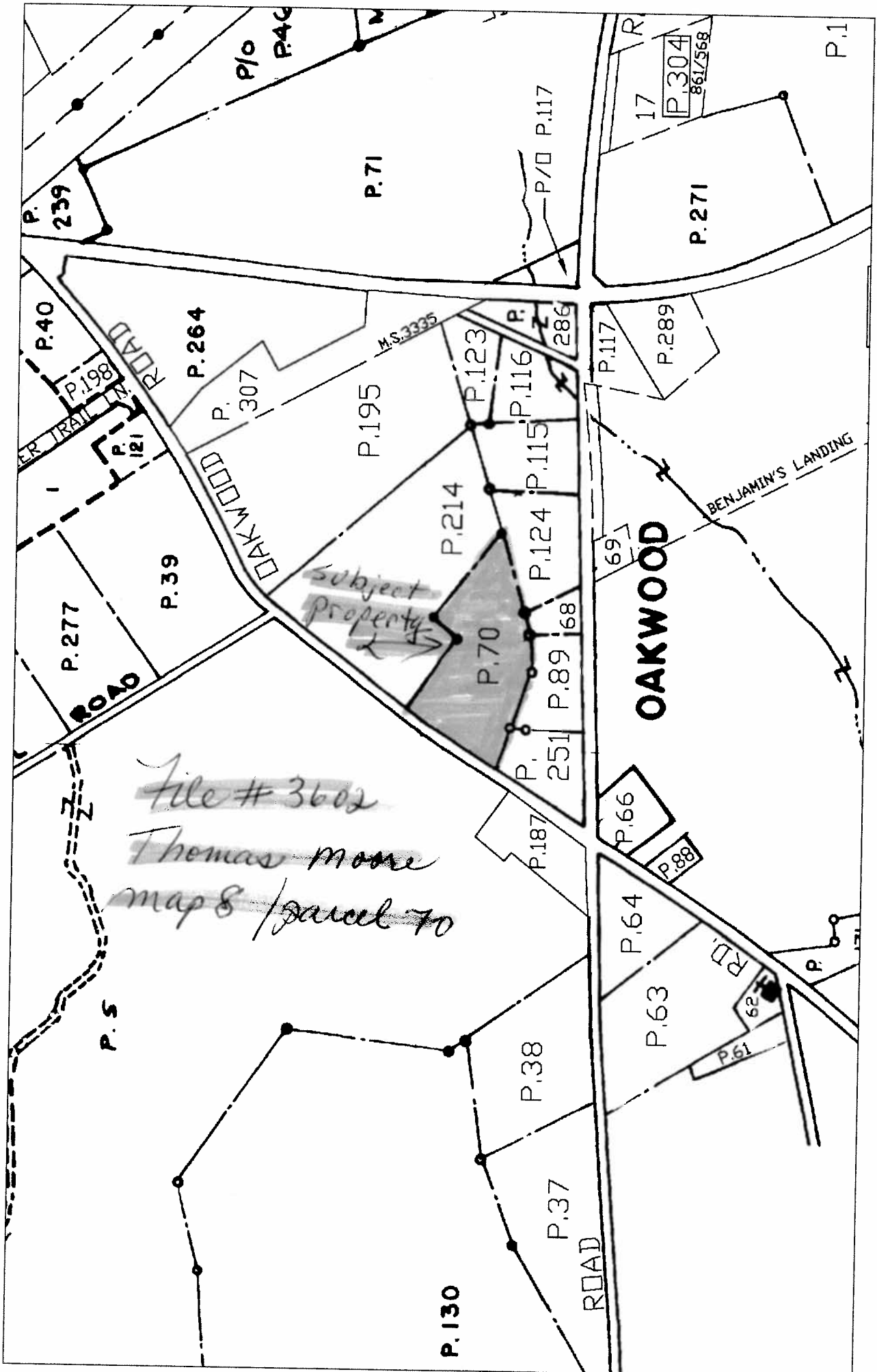
We are applying for a special exception for a manufactured home on our property. We have a three bedroom house with a attic bedroom, we have four children and one grandchild and a son in law to be and a sister living in this house. Our sister Sarah had lost her husband and home in Ohio and was unable to make it on her own she had a stroke in 1985 and not able to live on her own. Our daughter Shannon works at walmart and has a baby not able to make it with her pay. Need to try to get something for them. We are out of room in our home. Shannon has applied for housing but not able to be put in housing because of our income.

Thank you  
Mimi Moor  
Thomas Moor



**Location Plan**  
**For**  
**Thomas K. Moore**  
**36 Oakwood Road**  
**Eighth Election District**  
**Cecil County, Maryland**





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ROAD

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**OAKWOOD**

BENJAMIN'S LANDING

ER TRAIL

ROAD

OAKWOOD

M.S.3335

P.S

*File # 3602  
Thomas more  
maps / parcel 70*

*subject  
property*