

IN THE MATTER OF \* BEFORE THE CECIL COUNTY  
 THE APPLICATION OF \* BOARD OF APPEALS  
 ROBERT PAYNE III AND JENNIFER \* CASE NO.: 3793  
 SAUNDERS \*  
 (Variance) \*

\* \* \* \* \*

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Robert Payne III and Jennifer Saunders (the “Applicants”). Applicant seek a variance from the 50’ front-yard setback requirement at property located at 200 Molitor Road, Elkton, Maryland 21921, designated as Parcel 912, Block 7, Lot 1 on Tax Map 21, in the Third Election District of Cecil County (the “Property”). The Property is in an area zoned Suburban Transitional (“ST”) and is owned by Jennifer and Mark Saunders<sup>1</sup>.

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 requested 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.

---

<sup>1</sup> Mark Saunders, Chairman of this Board, recused himself from consideration of this matter.

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.

Applicants appeared and testified that a 30' variance from the 50' front yard setback requirement is necessary to construct a detached garage/pole barn on the Property. The Property is approximately 1.5 acres in size. The proposed pole barn is 36' by 48'. Applicants testified that due to the location of water and sewer lines on the Property, as well as the topography, which consists of a swale on the ground to the rear and side of the residence, there is no other portion of the Property available on which to construct the pole barn. The proposed pole barn would be shielded from the street and the neighboring property by natural buffers. There has been no negative feedback from neighbors.

No one appeared in opposition to or in favor of the application.

From the evidence 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 parties in the same zone under the terms of this Ordinance. Although the Property is of sufficient size, the dimensions of the Property and the location of the water and sewer line and a swale on the Property render Applicant unable to construct a pole barn on the property without a variance from the front-yard setback requirement. Other properties of the size of the Property are able to construct pole barns in the manner proposed by the Applicant and without a variance Applicant will not be able to move forward with construction of the pole barn.

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. Due to the position of the dwelling on the parcel and the location of the water and sewer lines and swale, the pole barn cannot be constructed without the requested front-yard setback variance.

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. Other owners of parcels of equal size to the Property are able to construct pole barns on their property in the manner proposed by Applicant.

4. There is no evidence that the variance request arises from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **GRANTED**.

12/27/16  
Date

Michael Linkous  
Michael Linkous, Acting Chairperson

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

MEET. MONTH: Nov 2016  
 FILE NO. 3793

Received

- THIS REQUEST IS FOR:  
 SPECIAL EXCEPTION RENEWAL ( )  
 SPECIAL EXCEPTION ( )  
 VARIANCE (✓)  
 APPEAL ( )

OCT 13 2016  
 DATE FILED: 10/13/16  
 AMOUNT PD: \$200.00  
 ACCEPTED BY: JB 451

Cecil County Office  
 of Planning & Zoning

**A. APPLICANT INFORMATION**

Robert Payne Sanders  
 APPLICANT NAME - PLEASE PRINT CLEARLY

200 Molitor Rd Elkton MD 21921  
 ADDRESS CITY STATE ZIP CODE

Jennifer Saunders 443-309-1956  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Mark + Jean For Sanders  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

200 Molitor Rd Elkton MD 21921  
 ADDRESS CITY STATE ZIP CODE

Jennifer Saunders 443-309-1956 / 443-309-2161  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

200 Molitor Rd Elkton, MD 21921 03 119769  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

21 007 0912 1 1.50 88 ST  
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

**D. PURPOSE OF APPLICATION** - Indicate reasons why this application should be granted. (attach separate sheet if necessary)  
30' front yard variance (see attached)

**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:** Act 2011, Art. 9 306

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: \_\_\_\_\_

**I. 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: \_\_\_\_\_

## **Variance Request**

**200 Molitor Rd Elkton, MD 21921**

**Property Owners Mark & Jennifer Saunders**

- **Requesting a 30' variance on front yard setback to 20'**
- **Purpose to build detached Pole Barn / Garage**
- i) **Reason for Variance request and location**
  - **(P.1 of attached) Front of home faces side yard**
  - **Side of Home faces Rd**
  - **Proposed location is in area to right of existing shed (which would be removed completely ) only real level area of property and minimal increase to driveway size of approx. 30'**
  - **Home sits on hill and front yard is all downhill that catches all water run off**
  - **Blue line shows Swale around home and drains to bottom corner also would not be cost effective to add a 200'+ driveway and have vehicles driving threw front of home**
  - **Red line shows water & sewer lines that run out side of home into pump station then up to public utilities / prefer not to add a 230' + driveway threw backyard disturbing swale and over water & sewer lines incase lines ever break also if I ran driveway threw front yard and up the rear property line that driveway would be around 360'+**
- ii) **(P 2&3) Show overhead view of Molitor Rd**
  - **(P.2) Shows from RT 213(Singerly Rd) arrow points at location of variance request with other homes sitting closer to rd.**
  - **(P.3) Shows remaining Molitor Rd till merges with Elk Mills Rd) arrow points at location of variance request with other homes sitting closer to rd.**
  - **(P.4,5,6&7) Is a closer overhead view of homes on Molitor Rd**
  - **(P.8) Closer view of location on proposed building / view to right is Molitor Rd which is blocked by trees so will have little effect to appearance from Road view / to left of shed would be neighbor's property that is completely blocked by trees and undergrowth (you can also see the large buffer between properties on P.1 which should have minimal if any disturbance from site work)**



# Map



Scale = 1:234

OWNNAME1: SAUNDERS MARK W  
OWNADD1: 200 MOLITOR RD  
OWNCITY: ELKTON  
OWNSTATE: MD  
ACCTID: 0803119769

Scale

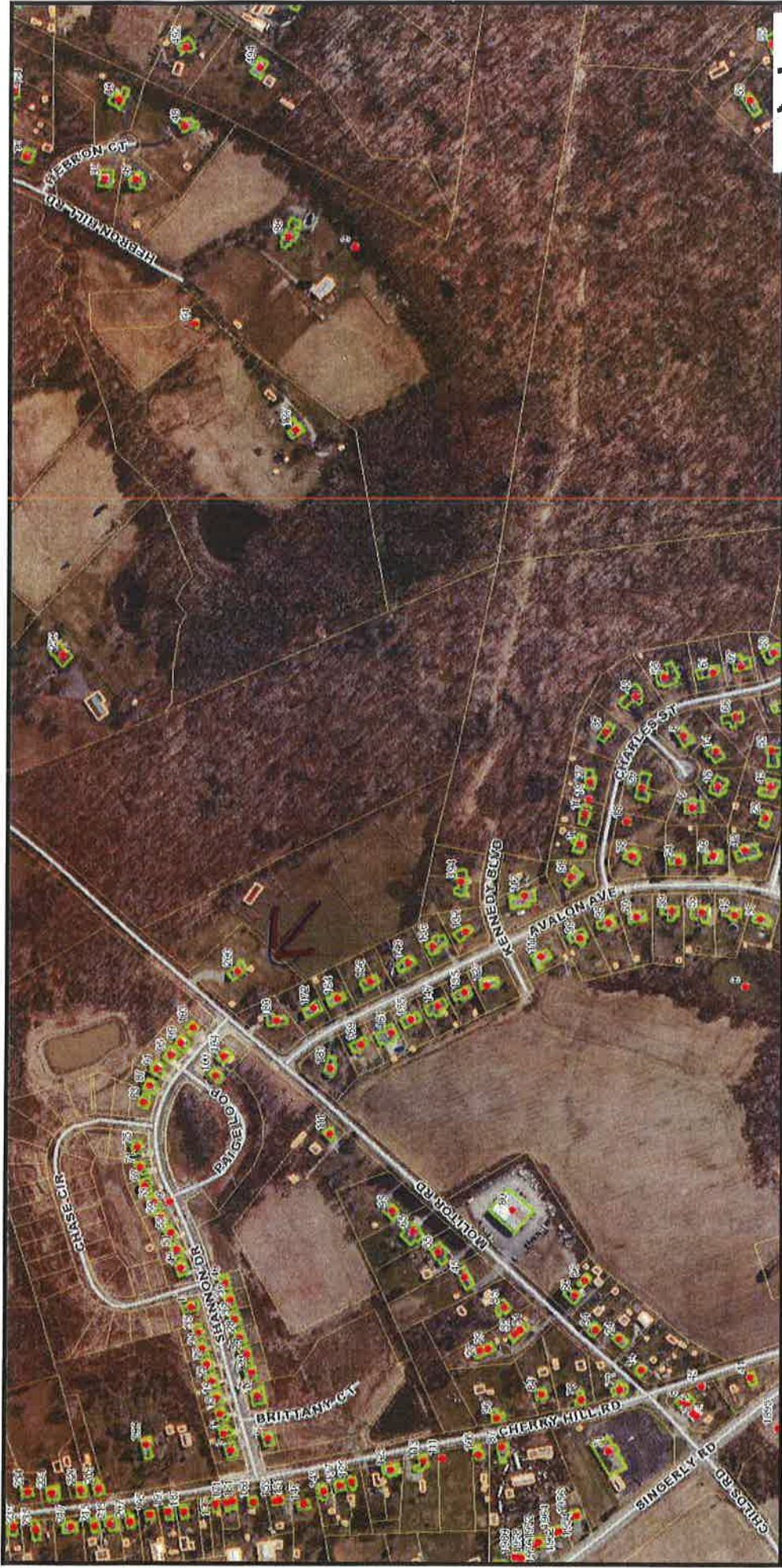
WATER  
SEWER LINE

1

This map is only a representation of real property and is not intended as a replacement for legal instrument of ownership.



# Map



Scale = 1:1869



2

This map is only a representation of real property and is not intended as a replacement for legal instrument of ownership.



# Map



Scale = 1:1869



3

This map is only a representation of real property and is not intended as a replacement for legal instrument of ownership.



# Map



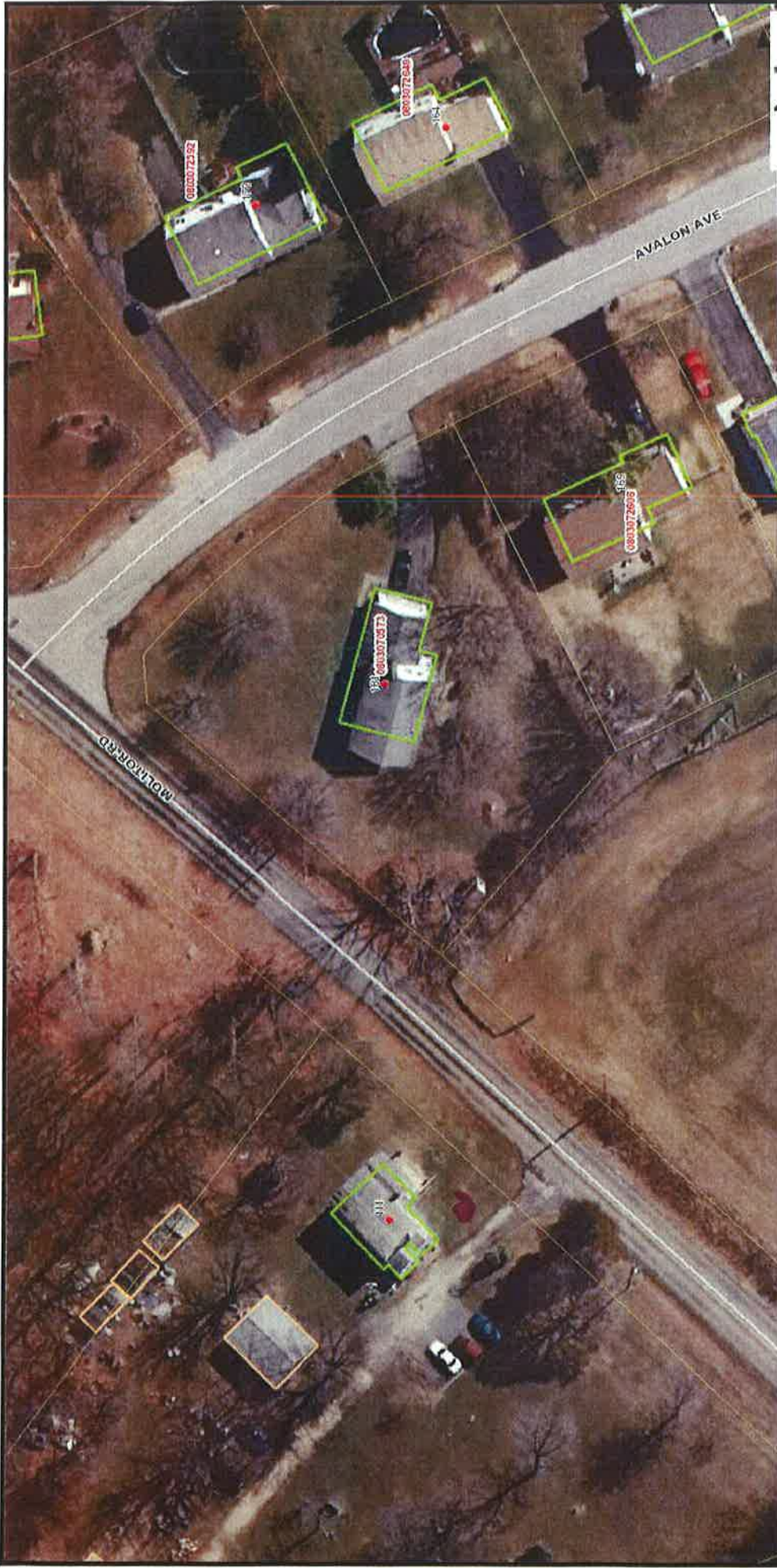
Scale = 1:234

4

This map is only a representation of real property and is not intended as a replacement for legal instrument of ownership.



# Map



Scale = 1:234



# Map



Scale = 1:234

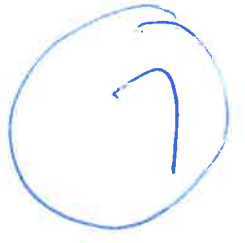
This map is only a representation of real property and is not intended as a replacement for legal instrument of ownership.



# Map



Scale = 1:234











File 3793  
Robert Payne, III +  
Jennifer Saunders  
M 21 P 912

P.

P. 765

subject property  
P. 912  
1104/178

P. 807

20-P. 906

D.S.

58  
57  
17

76  
75  
18

CHASE CIR

SHANNON DR

SHANNON DR

MOLITOR RD

MOLITOR RD

AVALON AVE