

IN THE MATTER OF
THE APPLICATION OF
WILLIAM S. SCHAFF, JR.
(Variance)

BEFORE THE CECIL COUNTY
BOARD OF APPEALS
CASE NO.: 3609

OPINION

Application of William S. Schaff, Jr. (hereinafter, "Schaff" or, the "Applicant") for a twenty-five (25) foot front yard setback variance for construction purposes at improved real property commonly known as 54 Rando Lane, Rising Sun, Maryland 21911, which is designated as Parcel 617, Lot 4, on Tax Map 10, Sixth Election District, Cecil County, Maryland. The subject property is presently zoned Rural Residential (RR), and is owned by William S. Schaff, Jr. and Nancy Schaff.

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 and presented testimony and a video/power-point presentation in support of the application. The Applicant testified that he and his spouse are the owners of the Property, which is improved by a two story dwelling and attached garage. The Applicant testified that he has obtained a variance from Article XIV of the Forest Conservation Regulations, on the condition that a tulip tree proposed to be impacted by the construction be replaced within the afforestation area. The Applicant submitted an approval letter to this effect dated June 6, 2012 from Eric S. Sennstrom, Director, Cecil County Government, Department of Planning and Zoning. The Applicant now seeks the setback variance in order to obtain a twenty-five (25) foot front yard variance for the construction of a garage with shop area on the Property. The Applicant testified that the lot size is 1.536 acres, and that construction is limited by the existing septic area, the well that services the Property, the lot shape, and the proximity/location of protected forestation area, which is comprised of ten (10) fruit trees, seven (7) hardwood trees, and forty-five (45) pine trees. The Applicant further testified that the Cecil County Comprehensive Plan supports the proposed construction, which is consistent with the goal of promoting harmonious development of the County, safety, convenience, and the general welfare. The Applicant noted that the guidelines from state and County road rights-of-way is fifty (50) feet, that setback guidelines for internal street rights-of-way is twenty-five (25) to fifty (50) feet, depending on the type of housing involved, and that the setback guidelines from agricultural use if forested is fifty (50) feet. The Applicant proposes to construct a second garage sufficient to house two motor

vehicles, a boat, and a first floor shop area for personal use and storage of fishing and boating equipment and tools. The proposed garage would be offset forward of the existing residence, which would reduce the footprint on the afforestation area, enhance safety, convenience and the general welfare by allowing for an uncomplicated ingress and egress from the new garage, particularly when backing a boat and trailer, and which would be more aesthetically pleasing by breaking up the line of the existing structure when viewed from the curbside. The Applicant testified that the proposed construction will not violate zoning restrictions or County development guidelines, and would be in harmony with other properties and improvements thereon in the immediate area.

No one appeared in favor of, or in opposition to, 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. The location of the existing improvements on the Property, and the proximity of the afforestation area, are such that but-for the variance requested here, the Applicant would be unable to construct the proposed garage.

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. The subject parcel is unique in shape, and the unique shape of the Property, existing roadway along two sides of the parcel, and afforestation area along a third side, are special conditions that are not applicable to other

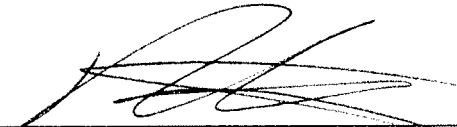
property in this zone, and which limit the Applicant's ability to construct improvements on the parcel. The circumstances here are not the result of actions by the Applicant, as the existing structure and location of the roadways and afforestation area restrict the Applicant's ability to construction the proposed improvements without a variance.

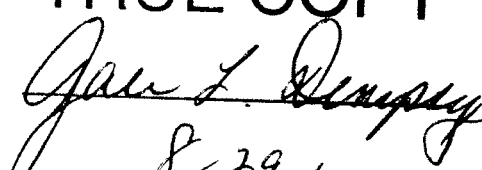
3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. Other properties in the zone are improved by detached garages similar to that proposed here.

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 has been met, and the application is, therefore, APPROVED.

8/28/12
Date


Mark Saunders, Acting Chaiperson

TRUE COPY

8-29-12

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: July 2012
 FILE NO. 3609

THIS REQUEST IS FOR:

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

DATE FILED: 6/11/12
 AMOUNT PD: \$300.00
 ACCEPTED BY: CSH

A. APPLICANT INFORMATION

WILLIAM S. SCHAFF JR.
 APPLICANT NAME - PLEASE PRINT CLEARLY
54 RANDO LANE RISING SUN MARYLAND 21911
 ADDRESS CITY STATE ZIP CODE
William S. Schaff Jr. (410) 658-2403
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

WILLIAM & NANCY SCHAFF
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
54 RANDO LANE RISING SUN MARYLAND 21911
 ADDRESS CITY STATE ZIP CODE
William S. Schaff Jr. (410) 658-2403
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

54 RANDO LANE RISING SUN 6TH 6-050573
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
TM 10 22 617 4 1.536 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)

REQUEST VARIANCE FOR SETBACK ENCROACHMENT THAT ALLOWS MINIMAL DISTURBANCE/INFRINGEMENT IN DESIGNATED AFFORESTATION AREA. REQUEST VARIANCE FOR CONSTRUCTION OF GARAGE WITH APPROXIMATE 45° OFFSET FORWARD OF THE CURRENT RESIDENCE 25' Front 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 _____ 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 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:

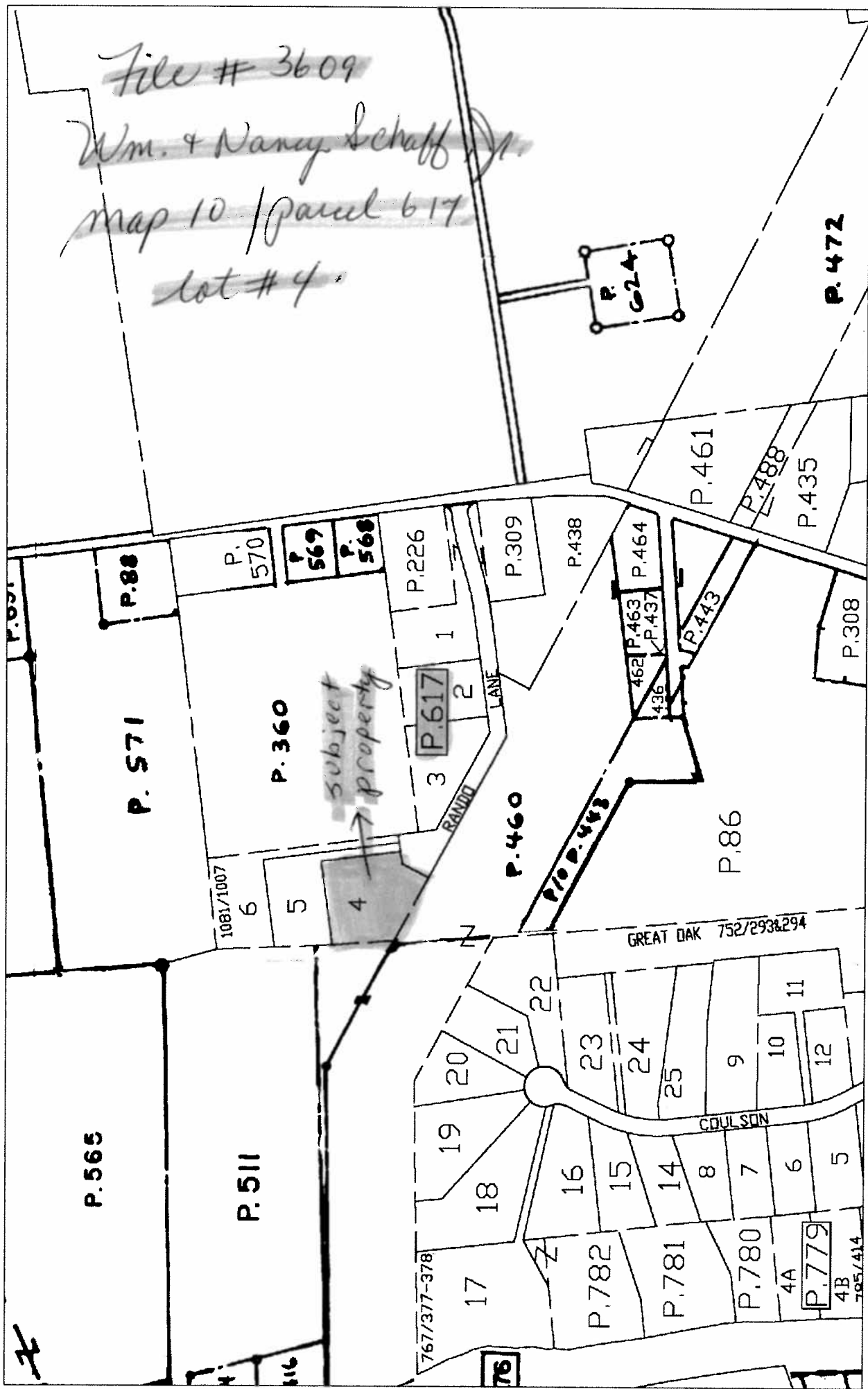
Will unit be visible from the road? N/A If yes, distance: _____
 Will unit be visible from adjoining properties? _____ If yes, distance: _____
 Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
 Number of units on property at present time: _____

File # 3609

Wm. & Nancy Schaff

map 10 / paul 617

lot # 4



P. 571

P. 88

P. 570

P. 569

P. 568

P. 226

P. 309

P. 438

P. 464

P. 463

P. 437

P. 461

P. 488

P. 435

P. 472

P. 308

P. 571

P. 360

P. 617

P. 460

P. 442

P. 86

1081/1007

6

5

4

3

1

2

RANDO LANE

GREAT OAK 752/293&294

COULSON

767/377-378

17

18

19

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21

22

P. 782

P. 781

P. 780

P. 779

4A

4B

795/414

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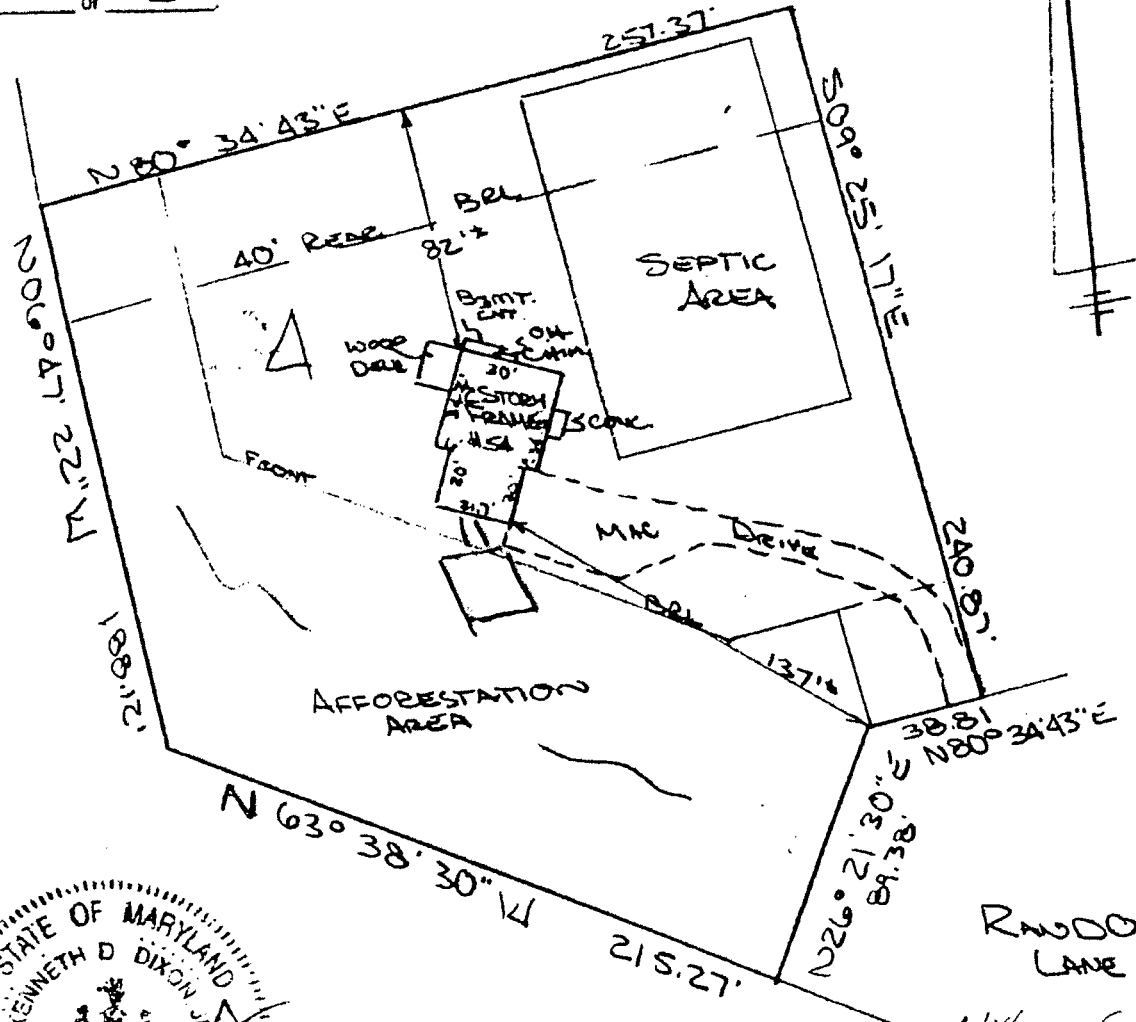
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76

The Advise Is An Integral Part Of This Plat & Is Found On The Affixed Page.

NOTE: The property shown hereon is located within Zone C as shown on F.E.M.A. Flood Insurance Rate Map, Community Panel No. 2A0019 0010A

Cecil County, Md. 5
Panel of



201209657

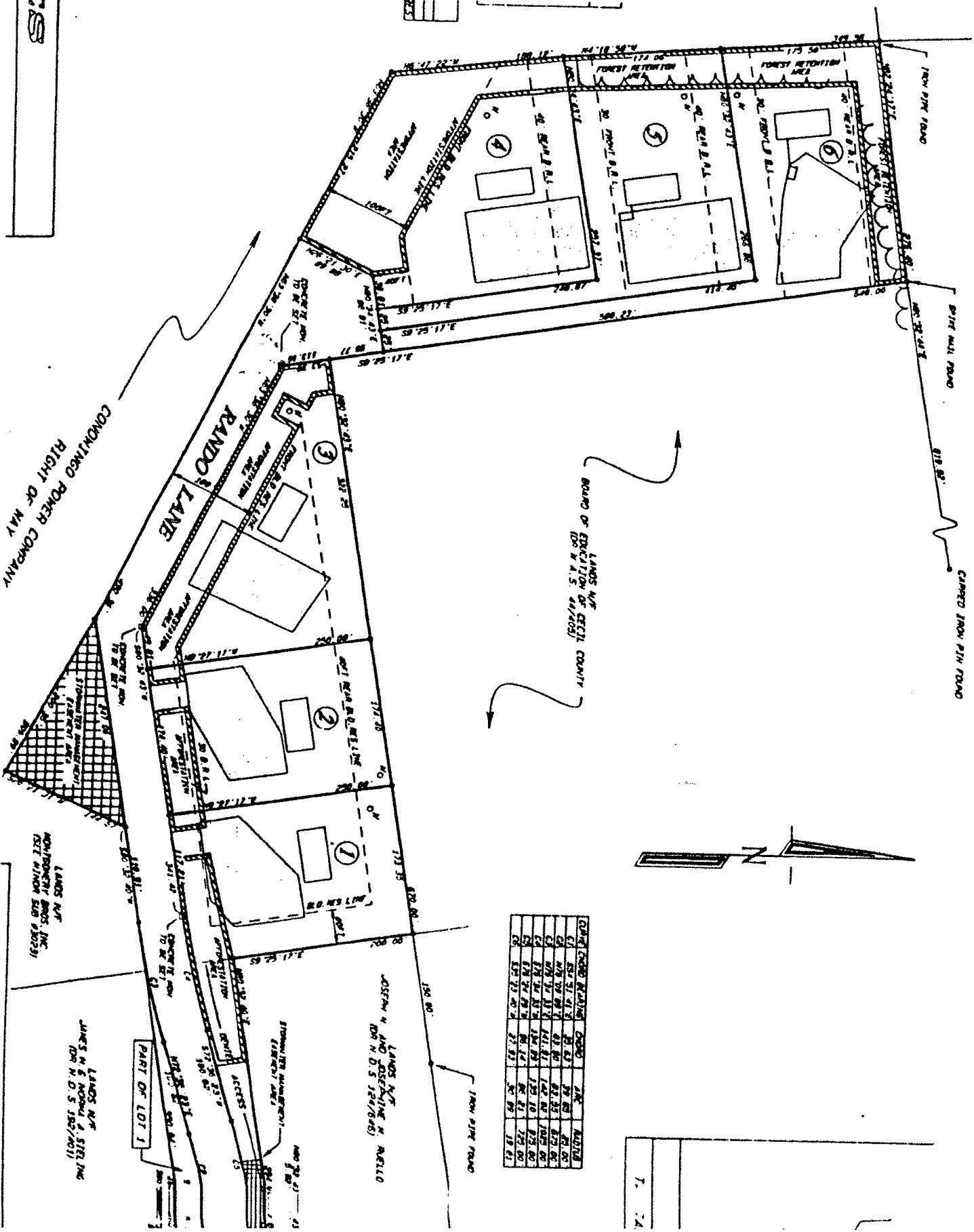
RANDO LANE
 William Schaff, Jr.
 54 Rando Ln.
 Rising Sun, MD 21911
 10 617 4 22
 RR
 RCD

I HEREBY CERTIFY THAT I HAVE SURVEYED
 LOT NO. 4 OF SECTION OF THE LANDS
 OF MONTGOMERY BROTHERS INC.
 SUBDIVISION FOR THE PURPOSE OF
 LOCATING THE IMPROVEMENTS AND THE
 IMPROVEMENTS ARE LOCATED AS SHOWN.

PLAT RECORDED IN PLAT BOOK NO. 1081.
 FOLIO NO. 1090A... PLAT NO.
 SCALE 1" = 60'... W.O. NO. 03:643.
 THIS PLAT IS NOT INTENDED TO BE USED
 FOR THE PURPOSE OF ESTABLISHING
 PROPERTY LINES

KENNETH D. DIXON, JR. DATE 8-27-04
 REG. PROPERTY LINE SURVEYOR NO. 421

KEN DIXON SURVEYS
 P.O. BOX 1179
 PASADENA, MD 21123-1179 (410) 437-6632



CONDUITING POWER COMPANY
RIGHT OF WAY

LANDS N/E
BOARD OF EDUCATION OF CECIL COUNTY
(DN W A.S. 81/105)

LANDS N/E
MONSIEUR BROS INC
(SET WITHIN SUB 28059)

LANDS N/E
JAMES H. & ANNE D. STEIN
(DN N. D. S. 185/101)

CURV (FROM EXISTING CURVE)	CHORD	ARC	ADJUTED
C1	321.31	91.8	59.80
C2	107.79	61.80	67.60
C3	127.32	104.81	104.60
C4	174.34	154.81	154.60
C5	227.34	204.81	204.60
C6	280.34	254.81	254.60
C7	333.34	304.81	304.60
C8	386.34	354.81	354.60
C9	439.34	404.81	404.60
C10	492.34	454.81	454.60
C11	545.34	504.81	504.60
C12	598.34	554.81	554.60
C13	651.34	604.81	604.60
C14	704.34	654.81	654.60
C15	757.34	704.81	704.60
C16	810.34	754.81	754.60
C17	863.34	804.81	804.60
C18	916.34	854.81	854.60
C19	969.34	904.81	904.60
C20	1022.34	954.81	954.60
C21	1075.34	1004.81	1004.60
C22	1128.34	1054.81	1054.60
C23	1181.34	1104.81	1104.60
C24	1234.34	1154.81	1154.60
C25	1287.34	1204.81	1204.60
C26	1340.34	1254.81	1254.60
C27	1393.34	1304.81	1304.60
C28	1446.34	1354.81	1354.60
C29	1499.34	1404.81	1404.60
C30	1552.34	1454.81	1454.60
C31	1605.34	1504.81	1504.60
C32	1658.34	1554.81	1554.60
C33	1711.34	1604.81	1604.60
C34	1764.34	1654.81	1654.60
C35	1817.34	1704.81	1704.60
C36	1870.34	1754.81	1754.60
C37	1923.34	1804.81	1804.60
C38	1976.34	1854.81	1854.60
C39	2029.34	1904.81	1904.60
C40	2082.34	1954.81	1954.60
C41	2135.34	2004.81	2004.60
C42	2188.34	2054.81	2054.60
C43	2241.34	2104.81	2104.60
C44	2294.34	2154.81	2154.60
C45	2347.34	2204.81	2204.60
C46	2400.34	2254.81	2254.60
C47	2453.34	2304.81	2304.60
C48	2506.34	2354.81	2354.60
C49	2559.34	2404.81	2404.60
C50	2612.34	2454.81	2454.60
C51	2665.34	2504.81	2504.60
C52	2718.34	2554.81	2554.60
C53	2771.34	2604.81	2604.60
C54	2824.34	2654.81	2654.60
C55	2877.34	2704.81	2704.60
C56	2930.34	2754.81	2754.60
C57	2983.34	2804.81	2804.60
C58	3036.34	2854.81	2854.60
C59	3089.34	2904.81	2904.60
C60	3142.34	2954.81	2954.60
C61	3195.34	3004.81	3004.60
C62	3248.34	3054.81	3054.60
C63	3301.34	3104.81	3104.60
C64	3354.34	3154.81	3154.60
C65	3407.34	3204.81	3204.60
C66	3460.34	3254.81	3254.60
C67	3513.34	3304.81	3304.60
C68	3566.34	3354.81	3354.60
C69	3619.34	3404.81	3404.60
C70	3672.34	3454.81	3454.60
C71	3725.34	3504.81	3504.60
C72	3778.34	3554.81	3554.60
C73	3831.34	3604.81	3604.60
C74	3884.34	3654.81	3654.60
C75	3937.34	3704.81	3704.60
C76	3990.34	3754.81	3754.60
C77	4043.34	3804.81	3804.60
C78	4096.34	3854.81	3854.60
C79	4149.34	3904.81	3904.60
C80	4202.34	3954.81	3954.60

