

IN THE MATTER OF  
THE APPLICATION OF

ALAN SCRAMLIN, II and  
ANGELA SCRAMLIN

(Special Exception - ST)

BEFORE THE CECIL COUNTY

BOARD OF APPEALS

CASE NO.: 3611

OPINION

Application of Alan Scramlin, II and Angela Scramlin (collectively, “Scramlin” or the “Applicants”), for a special exception to operate a home occupation business at property located at 265 North Bohemia Avenue, Cecilton, Maryland 21913, which is designated as Parcel 030, Lot 4, on Tax Map 10, in the First Election District of Cecil County (the “Property”), in an area presently zoned Suburban Transition Residential (“ST”). The property is owned by Alan Scramlin, II and Angela Scramlin.

This application is brought under the provisions of Article V, Part III, Section 79 and Section 54.4 Table of Permissible Uses 3.05.000 of the Ordinance, which permits a home occupation as a Special Exception in the ST zone provided that: (1) Home occupations are in the same building as the residence, and do not change the residential character and appearance of the dwelling; (2) No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size; (3) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises; (4) Parking is provided in accordance with Article XIV of the Ordinance; and, (5) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

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.

Applicants request a special exception on the Property in order to operate an in-home internet business offering online retail sale of model kits for small models and action figures. The Applicants testified that they will be selling small, hand made kits; according to the Applicants, the pieces are original, and made using epoxy and a two part resin, and cast in a silicone mold. The Applicants testified that the operation requires no heat, utilizes no toxic substances, and emits no toxic vapors. The Applicants further testified that there will be no customers services at the Property, that there will be no motor vehicle traffic associated with the home occupation, no deliveries to the Property, and that packages for shipment to customers would be dropped off for mailing at the local post office. The Applicants testified that the hours of operation would vary, that this is a hobby based business with a specialized market for which there is not a huge demographic of customers, and so they would work more for enjoyment than for volume. The Applicants stated that they would have no exterior signage, and reiterated that they do not want customers coming to the Property.

There was no testimony in opposition to, or in favor of, the Application.

Clifford Houston, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the application for two (2) years.

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

1. That the proposed use or any operations thereto will not be detrimental to or endanger the public health, safety, or general welfare. The home occupation will consist of the sale of small, non-hazardous, hand made hobby goods for the personal use of the Applicants' customers' personal and/or recreational/hobby use, and the home occupation will entail no traffic to or from the Property.

2. That the use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor will the home occupation substantially diminish or impair property values in the neighborhood. The Board finds that the Applicant's business will be conducted over the internet, from the interior of the dwelling situated on the Property. The home occupation will cause no additional traffic or noise, the Applicant will have no signage or additional exterior lighting associated with the home occupation, and merchandise will be stored in the dwelling and will not be visible from the exterior of the premises. The home occupation will in all respects be virtually indiscernible from the exterior of the premises, and therefore compatible with surrounding properties and the character of the neighborhood.

3. There is no evidence that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use. Rather, the Board finds that the home occupation will be confined to the interior of the existing dwelling, will entail no increase in motor vehicle and/or pedestrian traffic, and utilize no signage or additional exterior lighting.

4. That 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. As set forth

above, the proposed use will be confined to the interior of the existing dwelling, will no additional motor vehicle or pedestrian traffic, and will serve no clients on-site. The home occupation will utilize existing water and sewer, without increased use, and the goods offered for sale are non-hazardous and stored within the interior of the dwelling.

5. That there is no evidence that the proposed use will adversely affect critical natural areas or areas of ecological importance. The Board finds that the Property is not in the critical area, the 100 year flood plain, or the Critical Area Buffer and, as set forth above, that the existing water and sewer is adequate for the proposed use.

6. That the proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. That there is no evidence that the particular use proposed at the particular location proposed, will 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). The home occupation will not increase traffic, will not involve hazardous goods, will emit no noises discernible from the exterior of the premises, and will from evidence and testimony before the Board, be generally indistinguishable from wholly residential uses in this location of the zone. As such, the operation of a home occupation appears to be generally suitable for this Property.

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. The Applicants will be offering merchandise for sale utilizing the internet, and no customers will be served on the Property.

9. That the special exception is consistent with the objectives of the current Comprehensive Plan for the County. The proposed use is permitted as a special

exception, with conditions, in the ST zone. The Applicants meet all supplemental requirements under Section 79 of the Ordinance; specifically, the Board finds from the evidence and testimony set forth above that:

(a) The proposed home occupation is in the same building as the residence, and does not change the residential character and appearance of the dwelling;

(b) There will be no exterior signage or advertising on the premises;

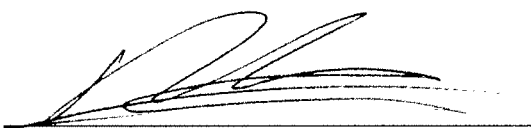
(c) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises;

(d) Customers will not be served on the Property and, as such, there is no need for additional parking on the Property. The Applicants credibly testified that there will be no deliveries to the Property, and that packages for mailing to customers will be taken by the Applicants to the local USPS facility for mailing; and,

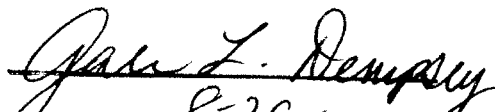
(e) There is no evidence that equipment or processes used in the business will create noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit. Rather, the business will be conducted entirely via the internet, and goods to be sold are non-hazardous.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Sections 79, 54.4 sub-part 3.05.000, and 311, along with *Schultz v. Pritts*, 291 Md. 1 (1981) have been met, and the application is, therefore, APPROVED for a period of two (2) years.

8/28/12  
Date

  
Mark Saunders, Acting Chairperson

**TRUE COPY**

  
Gary L. Dempsey

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

MEET. MONTH: July 2012  
 FILE NO. 3611

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

DATE FILED: 6/14/12  
 AMOUNT PD: 250.00  
 ACCEPTED BY: CIA

*Mail TO*  
*CK # 305*

**A. APPLICANT INFORMATION**

Angela & Alan Scramlin II  
 APPLICANT NAME - PLEASE PRINT CLEARLY

265 N. Bohemia Ave PO BOX 915 Cecilton MD 21913  
 ADDRESS CITY STATE ZIP CODE

Angela Scramlin 410-652-4324  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Angela & Alan Scramlin II  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

265 N. Bohemia Ave Cecilton MD 21913  
 ADDRESS CITY STATE ZIP CODE

Angela Scramlin 410-652-4324  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

265 N. Bohemia Ave 1 0801012673  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

57 23 30 - 0.5 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)

In-home Online Store - selling model kit parts 3 1/4" ACTION FIGURES

**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         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

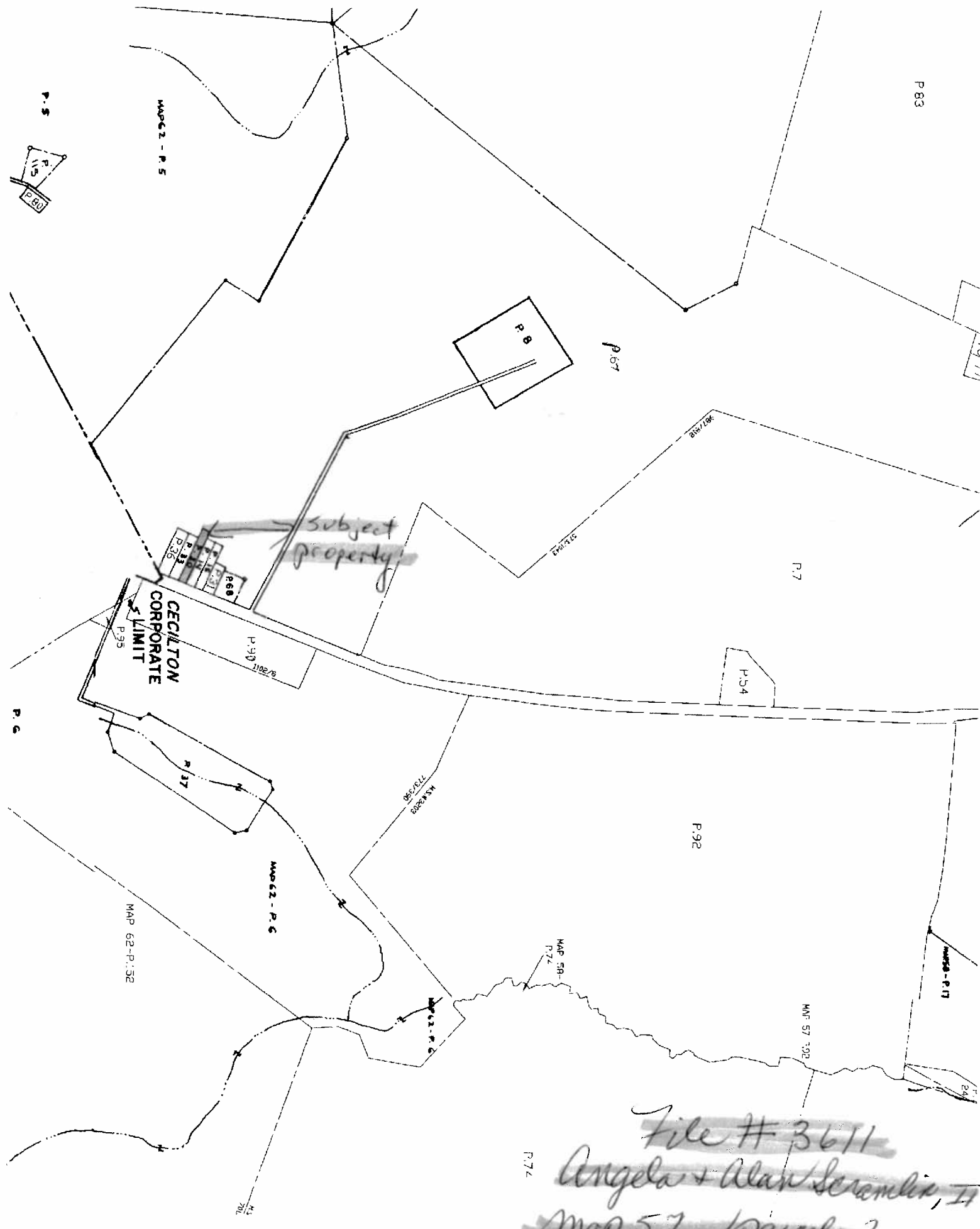
**If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVI, Part I, II & III of the Zoning Ordinance.**

**G. PROVISION OF ZONING ORDINANCE:** Section 79

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

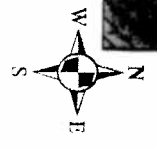
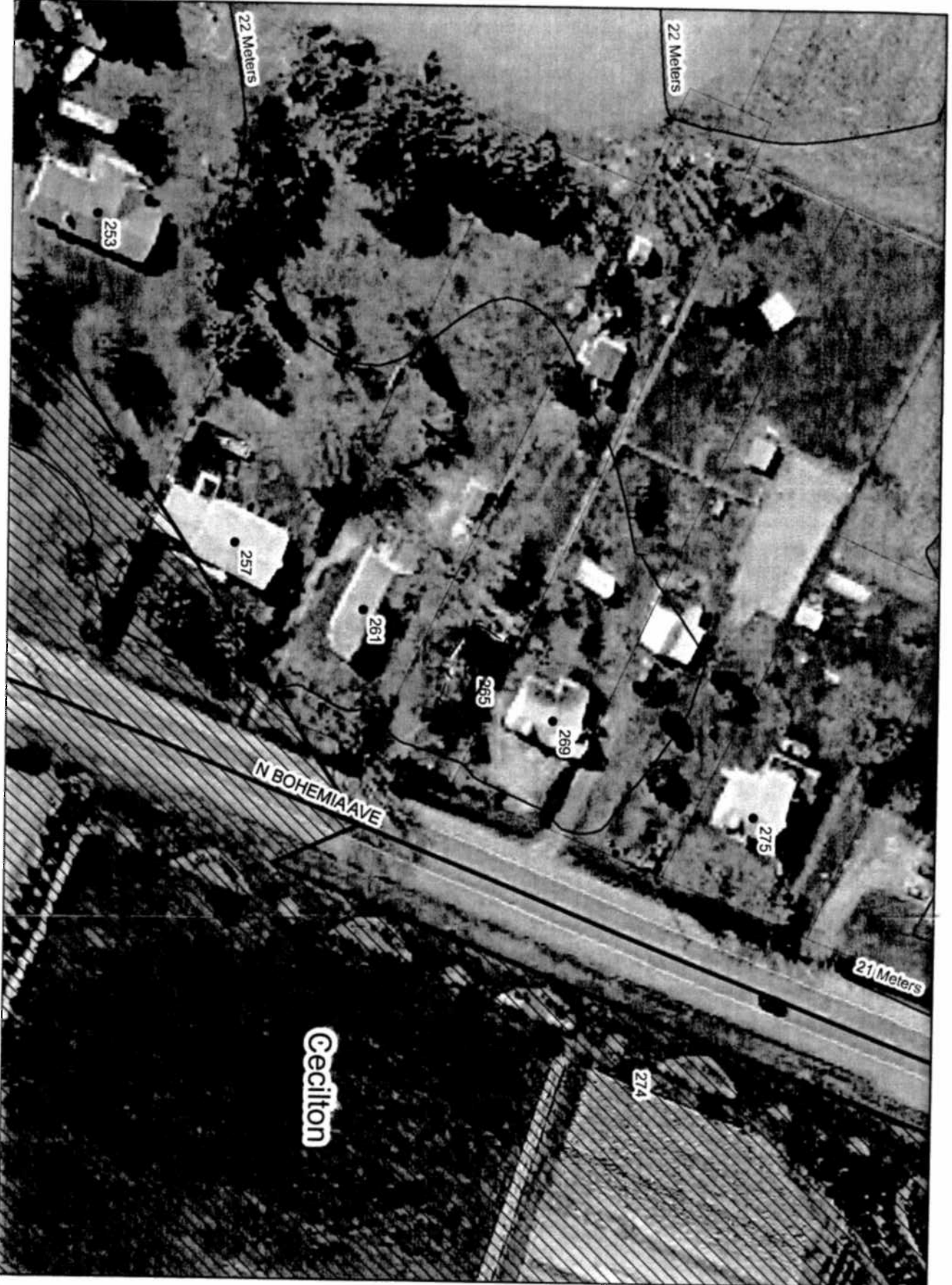
**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

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 # 3611*  
*Angela + Alan Scramlin, II*  
*Map 57 parcel 30*





1 inch = 80 feet

File # 3611