

IN THE MATTER OF
THE APPLICATION OF
RICKY LEE WRIGHT

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3642

(Variance)

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OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Ricky Lee Write (the “Applicant”). Applicant seeks a variance from the road frontage requirement in order to undertake a minor subdivision on property located at 24 Chatham Lane, North East, Maryland 21901, designated as Parcel 320 on Tax Map 25, in the Fifth Election District of Cecil County (the “Property”). The Property is in an area zoned High Density Residential (“RM”) and is owned by the Applicant.

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.

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.

Applicant appeared along with M.S. McAllister, who surveyed the Property, and requested the variance in order to perform a minor subdivision on the Property and carve off a parcel to be transferred to Applicant's daughter. The Applicant testified that the Property is 1.57 acres in size and the minor subdivision would provide a 10,000 square foot parcel to be transferred to his daughter for placement of a residence. Given the size and shape of the Property, the location of the residence, and the necessity of road access, the only feasible location for subdividing the 10,000 square foot parcel is an area that lacks sufficient road frontage. He is therefore unable to subdivide the Property without a variance to the road frontage requirements.

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, the location of the Property line, and the location of the residence on the Property render Applicant unable to subdivide the property without a variance from the road frontage requirement. Other properties of the size of the Parcel are able to subdivide in the manner proposed by the Applicant and without a variance Applicant will not be able to move forward with the proposed subdivision.

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 property line, the location of the residence on the parcel, and the location of the road with respect to the Property the proposed subdivision cannot be undertaken without the requested 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 subdivide 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.

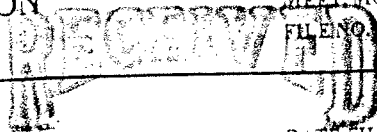
For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **APPROVED**.

6/05/2013
Date

David Willis
David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: May 2013
FILE NO. 36420



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

APR 18 2013 DATE FILED: 4-18-13
 AMOUNT PD: 200.00
 ACCEPTED BY: J. Demery

CECIL COUNTY OFFICE OF PLANNING & ZONING CK # 1102

A. APPLICANT INFORMATION

Mail to

RICKY LEE WRIGHT
 APPLICANT NAME - PLEASE PRINT CLEARLY
P.O. BOX 614 NORTH EAST MD 21907
 ADDRESS CITY STATE ZIP CODE
Ricky Lee Wright 410-287-8342
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

RICKY LEE WRIGHT
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
P.O. BOX 614 NORTH EAST MD 21901
 ADDRESS CITY STATE ZIP CODE
Ricky Lee Wright 410-287-8342
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

24 CHATHAM LANE FIFTH 058511
 PROPERTY ADDRESS NORTH EAST MD 21901 ELECTION DIST. ACCT. NUMBER
25 23 320 N/A 1.57 RM
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

TO ALLOW ACCESS TO A PROPOSED MINOR SUBDIVISION LOT TO BE CONVEYED TO APPLICANT'S DAUGHTER. ACCESS TO BE VIA THE 16.5' STRIP (OR R/W) MENTIONED IN APPLICANT'S DEED

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.

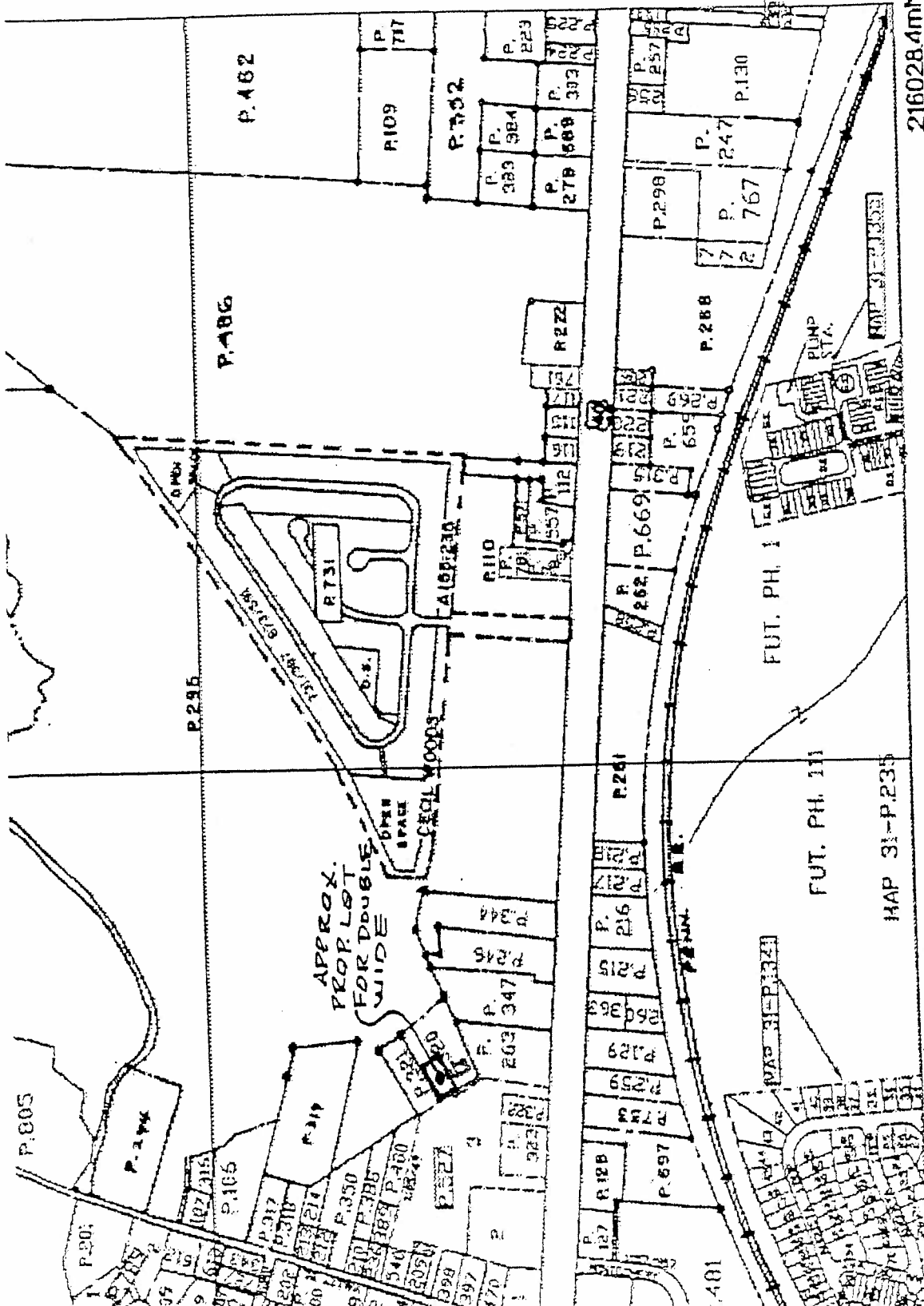
G. PROVISION OF ZONING ORDINANCE: Section 306

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: _____

Send copies to Mike McCallister



651

648

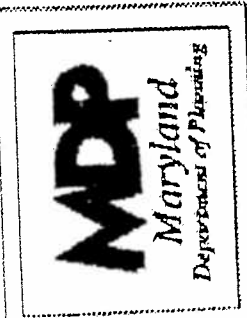
1088-648
 MAP NO.
 25

1106

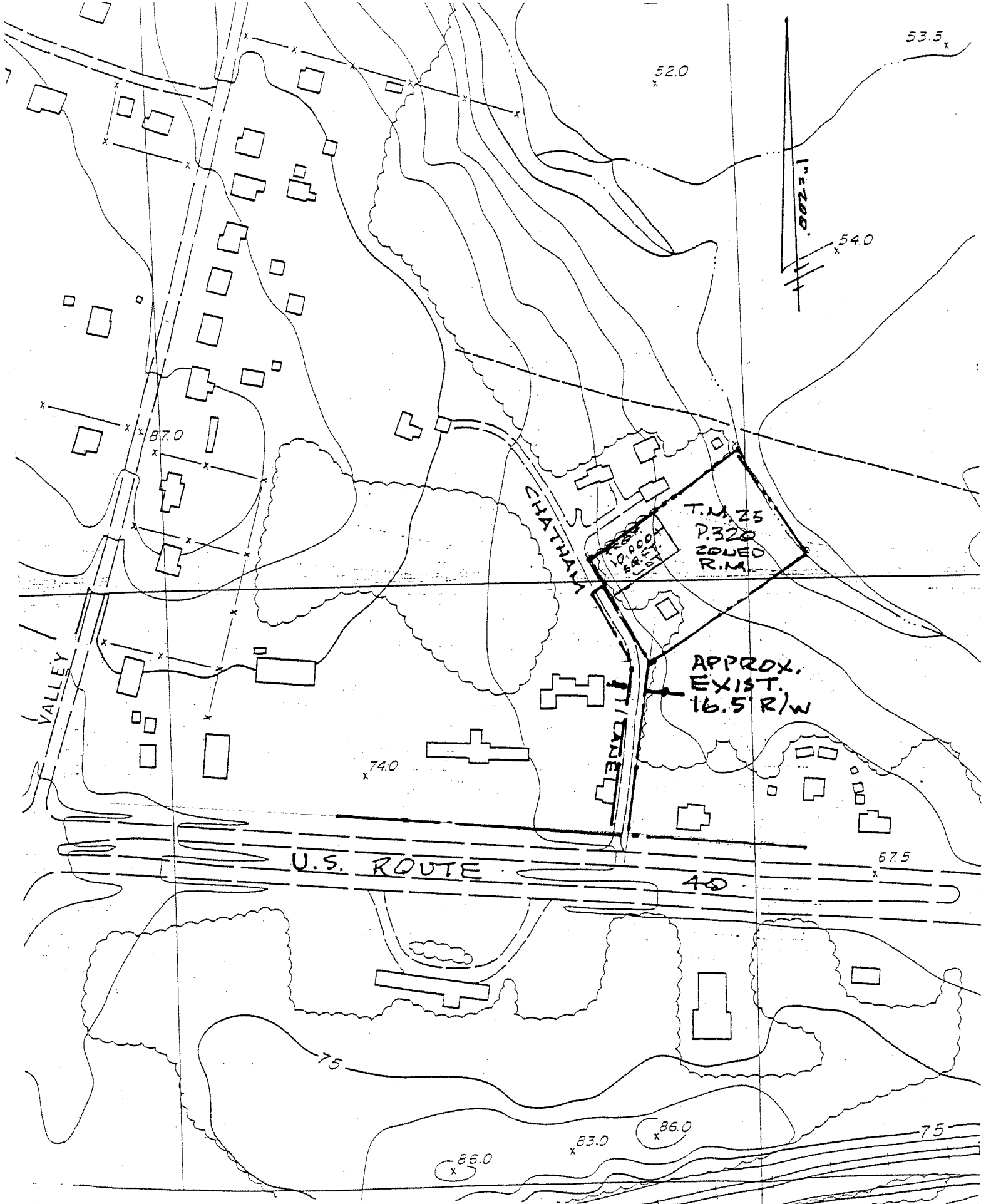
CECIL COUNTY,
 MARYLAND

1103

216028.4mN
 493295.3mE



PLAT NO. BMA GRID
 MUST BE PRECEDED BY A MAP NUMBER (A MAP NUMBER)



SKETCH PLAT FOR
RICKY L. WRIGHT

M.S. McALLISTER
SURVEYOR
410-348-5471

