

IN THE MATTER OF
THE APPLICATION OF
DELORES OTTO

(Variance)

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3650
*
*

* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Delores Otto (the “Applicant”). Applicant seeks a variance from the 10 foot side yard setback requirement in order to construct a garage on property located at 20 Nimitz Court, Elkton, Maryland 21921, designated as Parcel 295 on Tax Map 25, in the Fifth Election District of Cecil County (the “Property”). The Property is in an area zoned Manufactured Home (“MH”) and is owned by Cecil Woods Partners, LLC.

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.

John Weber appeared on behalf of Applicant and requested a variance from the 10 foot side yard setback requirement in order to construct a garage on Applicant's manufactured home. The Applicant is requesting a 2 foot variance from the requirement. The garage is attached to the residence and will be 12 by 27 feet. The garage is an option for all residences in the neighborhood; however, due to the layout of this particular parcel, there is a possibility that the corner of the garage could encroach on the setback by approximately one foot.

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 construct a garage without a variance from the side yard setback requirement. Other properties of the size of the Parcel are able to construct garages similar to that proposed by the Applicant and without a variance Applicant will not be able to build 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

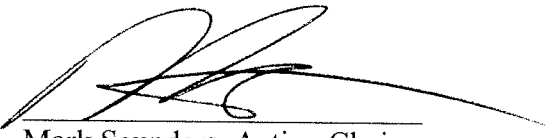
the same zone. Due to the position of property line and the location of the residence on the Property, the garage cannot be constructed without the requested variance.

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 construct garages such as that proposed by the Applicant on their property.

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**.

7/23/13
Date


Mark Saunders, Acting Chairperson

RECEIVED

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH June 2013
FILE NO. 3650

MAY 15 2013

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

mail to

John Weber
552 Giles St.

DATE FILED: 5-15-13
AMOUNT PD: \$200.00
ACCEPTED BY: J. Dempsey
CK# 9618

Harris DeGuzee, MD. 21078

A. APPLICANT INFORMATION

mail to

Delores Otto
APPLICANT NAME - PLEASE PRINT CLEARLY

20 Nimitz Court Elkton MD 21921
ADDRESS CITY STATE ZIP CODE

Delores M. Otto 443-877-6626
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

mail to

Cecil Woods Partners LLC by Jarvis Moore
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

1801 W. Pulaski Hwy Elkton MD 21921
ADDRESS CITY STATE ZIP CODE

Moore 410-287-0700
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

20 Nimitz Court 05 013933
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

25 11-57 295 166 MH
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Remove Shed. Build Attached Garage with on file
McKee Group approved garage plans. I don't believe
garage is going over setback but drive way will. ASKING for
variance just in case garage does go over

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? _____ 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: _____

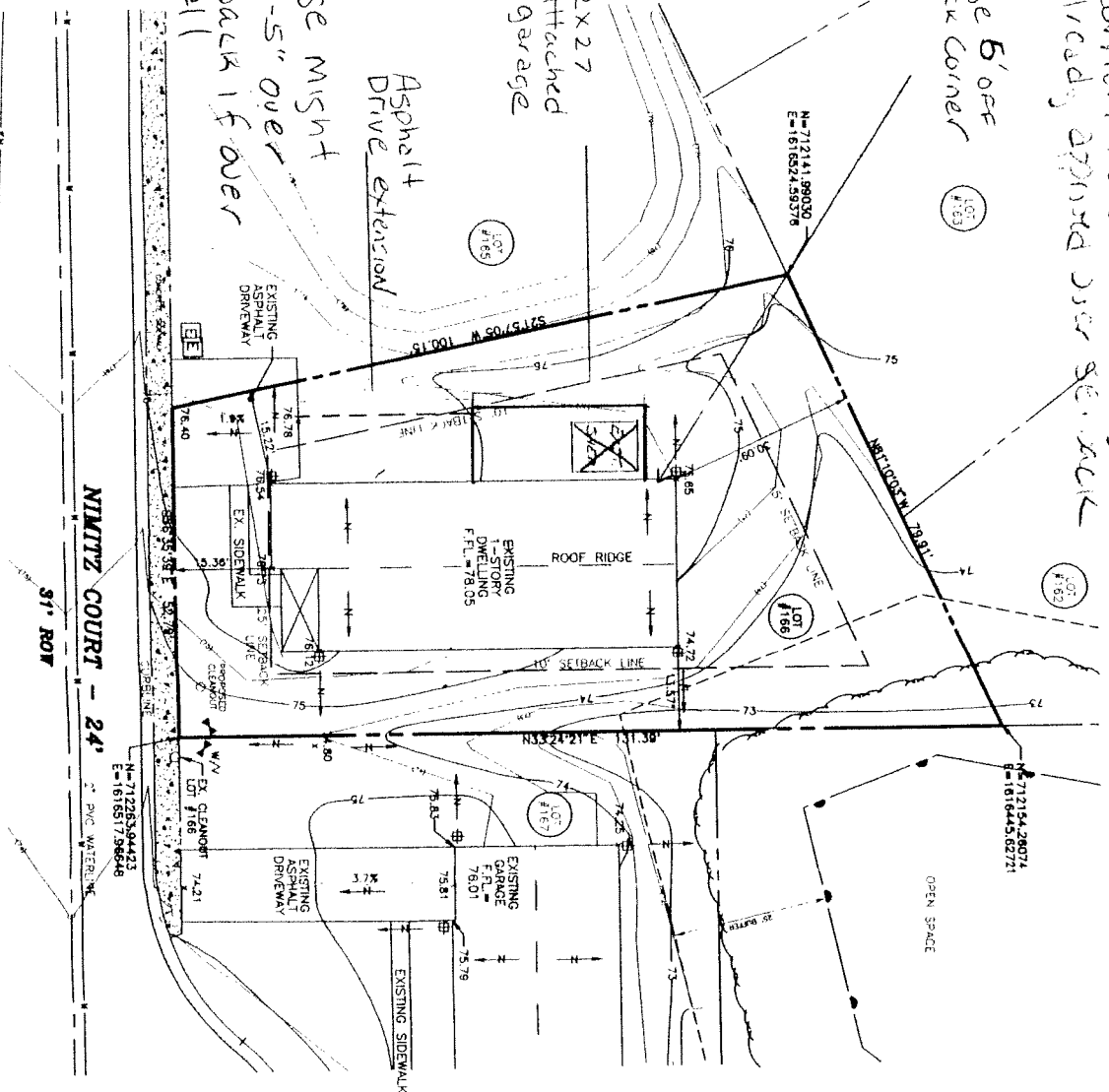
Driveway over setback
 approx 5' at front left
 already approx over setback

Garage 5' off
 Back Corner

12x27
 Attached
 garage

Asphalt
 Drive extension

Garage might
 be 3-5" over
 Setback if over
 at all



- SITE DATA:
- 1) AOC MAP COORDINATES (CECIL COUNTY)
 - 2) AOC MAP 11 GRID J-7
 - 3) E & S CONTROL
 - 4) 3/4" FT. SUI FENCE CONSTRUCTION ENTRANCE
 - 5) 3/4" FT. SUI FENCE (NONE PROPOSED)
 - 6) ESTIMATED FILL 160 (YDS)
 - 7) ESTIMATED CUT 0 (YDS)
 - 8) NO STORMWATER MANAGEMENT FEATURES PROPOSED
 - 9) REFER TO STORMWATER MANAGEMENT PLAN FOR EROSION & SEDIMENT CONTROL PLAN APPROVED 11-30-10 FOR C

STORMWATER MANAGEMENT (BMP) TABLE:

PROPOSED: 0' DRIVEWAY DISCONNECT
 CONSTRUCTED: 0' DRIVEWAY DISCONNECT
 THERE ARE NO PROPOSED OR CONSTRUCTED BMP'S ON THIS SITE.
 THIS SITE MEETS THE INTENT OF THE STORMWATER MANAGEMENT
 REQUIREMENTS.

SITE ANALYSIS TABLE:

| | |
|---|--|
| 1) LOT SITE | 7,365.0 SQ. FT. |
| 2) DISTURBED AREA PROPOSED | 6,828.0 SQ. FT. |
| 3) AREA PERMANENTLY STABILIZED | 6,828.0 SQ. FT. |
| 4) TOTAL SITE IMPERVIOUS AREA PROPOSED | 2,325.0 SQ. FT. |
| 5) TOTAL SITE IMPERVIOUS AREA CONSTRUCTED | 2,325.0 SQ. FT. |
| 6) DATE OF AS-BUILT SURVEY | 12/17/09 |
| 7) DRAINAGE BASIN NUMBERS | NORTH EAST RIVER 8 DICT = 021309 12 DICT = 02130 |

OWNER/DEVELOPER CERTIFICATION

I HEREBY CERTIFY THAT I AM AWARE THAT THE GRADING, STORMWATER MANAGEMENT STRATEGIES AND BEST MANAGEMENT PRACTICES (BMP) STORMWATER MANAGEMENT PLAN WERE REQUIRED TO SATISFY THE CECIL COUNTY ORDINANCES OF THE PROPERTY ARE REST I UNDERSTAND THAT THE MANAGEMENT OF THE STORMWATER MANAGEMENT PLAN FOR PROVISIONS THEREIN THAT THEY ARE AND WILL REMAIN IN PROPER WORKING CO IN ACCORDANCE WITH THE APPROVED DESIGN STANDARDS, RULES, REGULATION AND APPLICABLE LAWS.

COMPANY: _____
 SIGNATURE: _____
 DATE: _____

| | |
|---|---|
| Maryland Department of Assessments and Taxation Real Property Data Search (vw2.1A) CECIL COUNTY | Go Back View Map New Search GroundRent Redemption GroundRent Registration |
|---|---|

Account Identifier: District - 05 Account Number - 013933

Owner Information

| | | | |
|-------------------------|---|-----------------------------|------------------------|
| Owner Name: | CECIL WOODS PARTNERS | Use: | COMMERCIAL |
| | | Principal Residence: | NO |
| Mailing Address: | 940 WEST SPROUL RD STE 301 SPRINGFIELD PA 19064-0000 | Deed Reference: | 1) /03205/ 00407 2) |

Location & Structure Information

| | |
|--|---|
| Premises Address | Legal Description |
| MECHANICS VALLEY RD NORTH EAST 21901-0000 | 104 ACRES E/S MECHANICS VALLEY RD N OF NORTH EAST |

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No: Plat Ref: |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------------|
| 0025 | 0018 | 0295 | | 0000 | | | | 2 | |

| | | |
|--------------------------|-------------------|------|
| Special Tax Areas | Town | NONE |
| | Ad Valorem | 5 |
| | Tax Class | |

| | | | |
|--------------------------------|----------------------|---------------------------|-------------------|
| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
| 2010 | 2510 | 104.0000 AC | |

| | | | |
|----------------|-----------------|-------------|-----------------|
| Stories | Basement | Type | Exterior |
| | | CLUB HOUSE | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---------------------------|------------|-----------|----------------------|------------|
| | | | As Of | As Of |
| | | | 01/01/2011 | 07/01/2012 |
| Land | 1,012,700 | 1,012,700 | | 07/01/2013 |
| Improvements: | 825,300 | 833,300 | | |
| Total: | 1,838,000 | 1,846,000 | 1,486,800 | 1,846,000 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | | | | |
|----------------|------------------------------|---------------|-------------------|---------------|-----------|
| Seller: | CECIL WOODS PARTNERS | Date: | 06/05/2012 | Price: | \$0 |
| Type: | NON-ARMS LENGTH OTHER | Deed1: | /03205/ 00407 | Deed2: | |
| Seller: | MCKEE, FRANK A. & HELEN F. & | Date: | 01/14/2003 | Price: | \$0 |
| Type: | NON-ARMS LENGTH OTHER | Deed1: | WLB /01295/ 00449 | Deed2: | |
| Seller: | DIEGIDIO, ANTHONY P. | Date: | 12/15/1997 | Price: | \$150,000 |
| Type: | NON-ARMS LENGTH OTHER | Deed1: | WLB /00687/ 00541 | Deed2: | |

Exemption Information

| Partial Exempt Assessments | Class | 07/01/2012 | 07/01/2013 |
|----------------------------|-------|------------|------------|
| County | 000 | 0.00 | |
| State | 000 | 0.00 | |
| Municipal | 000 | 0.00 | 0.00 |

| | |
|----------------------|-------------------------------|
| Tax Exempt: | Special Tax Recapture: |
| Exempt Class: | NONE |

Homestead Application Information

Homestead Application Status: No Application