

IN THE MATTER OF
THE APPLICATION OF
GLENN M. SENSENIG

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3669

(Special Exception – NAR)

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OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Glenn M. Sensenig (the “Applicant”). Applicant seeks a special exception to sell and rent construction equipment as a home occupation on property owned by Glenn M. Sensenig located at 430 Locust Point road, Elkton, Maryland, designated as Parcel 344 on Tax Map 38 in the Second Election District of Cecil County (the “Property”), in an area zoned Northern Agricultural Residential (“NAR”) in accordance with Article V, Part V, Section 79 of the Cecil County Zoning Ordinance (the “Ordinance”).

Section 79 of the Ordinance provides:

Home occupations may be permitted in the RMU zone and permitted as a Special Exception in the NAR, SAR, RR, LDR, ST, VR, UR, MH, RM, and MEA zones 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.

5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

In determining whether to grant an application for a Special Exception the Board must consider Section 311 of the Ordinance, which states:

No special exception shall be approved by the Board of Appeals after considering all facts in the case unless such Board shall find:

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 (1981).
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.

Article XVII, Part II, Section 311, Cecil County Zoning Ordinance.

Applicant testified that the business to rent and sell construction equipment is a second occupation to supplement his main source of income, farming. The business is operated out of the same building as the residence. The Applicant also testified that there will be no signs for advertising on the property and that only a few pieces of the equipment will be seen from the road. No further witnesses testified in favor or in opposition to the application.

Clifford Houston of the Cecil County Department of Planning and Zoning testified that the Planning Commission recommended approval of the request for special exception for two (2) years with planting of evergreen screen around equipment.

Pursuant to Section 311 of the Ordinance, the Board finds as follows:

1. The special exception is not detrimental or an endangerment to the public health, safety, or general welfare. The proposed use is on a Property in an area where residential and business uses are commingled.
2. The use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, or substantially diminish or impair property values in the neighborhood. The business use does not create pollution in the form of noise, light, or particulate matter. There is nothing in the nature of the proposed home occupation that would diminish or impair property values in the neighborhood.
3. The use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone. The Board does not find that the operation of a construction equipment rental and sales business is an impediment to the preservation of the character of the area or to the reasonable and orderly residential development permissible within the zone.
4. The proposed use will not overburden existing public facilities, including schools,

police and fire protection, water and sewer, public road, storm drainage, and other public improvements.

5. The continued use will not adversely affect critical natural areas or areas of ecological importance. The Property is not located in a Critical Area District.

6. The continued use will, in all other respects, conform to the applicable regulations of the zone in which it is located. The Board finds that this portion of the NAR is commingled with business and residential use. Based upon the evidence presented, the Board finds that the operation of a construction equipment rental and sales business as contemplated by Applicants is not inconsistent with these neighboring uses.

7. The particular use proposed at the particular location proposed will not have any adverse effects above those inherently associated with such special exception use irrespective of its location in the zone. *Schultz v. Pritz*, 291, Md. 1 (1981). The Board finds that, because of the residential density of the zone and the nature of the activities undertaken in the area, the impact of Applicant's proposed use in this particular area of the NAR zone is no different than the impact of the operation of a home occupation in other areas of the NAR zone.

8. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets. No evidence was presented evincing issues related to traffic and parking.

9. The use is not contrary to the objectives of the Comprehensive Plan for the County. The special exception is presumptively valid and the Board finds nothing in the record to indicate that the proposed use is contrary to the objectives of the Comprehensive Plan.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311, of the Ordinance have been met and the

application for a special exception under Section 79 is therefore **APPROVED** for two (2) years with the condition that the Applicant plant evergreen trees to screen the equipment from the road.

3/25/14
Date


Mark Saunders, Acting Chairperson

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

MEET. MONTH: FEB-2014
FILE NO. 3669

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

DATE FILED: 12/31/13
AMOUNT PD: \$ 250.00
ACCEPTED BY: CEH

CK# 2853

A. APPLICANT INFORMATION

Locust Point Farm

Glenn M. Sensenig
APPLICANT NAME - PLEASE PRINT CLEARLY
430 Locust Point Rd. EIkton MD 21921
ADDRESS CITY STATE ZIP CODE
Glenn M. Sensenig
APPLICANT SIGNATURE 410-920-3514
PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Glenn M. Sensenig
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
430 Locust Point Rd. EIkton MD 21921
ADDRESS CITY STATE ZIP CODE
Glenn M. Sensenig
PROPERTY OWNER SIGNATURE 410-920-3514
PHONE NUMBER

C. PROPERTY INFORMATION

430 Locust Point Rd. EIkton 2ND 02005956
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
38 15 344 N/A 80.79 NAR
TAX MAP # BLOCK PARCEL LOT# #ACRES ZONE

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

See attached sheet. On-Home Business

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 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 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: N/A
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: ↓

D. PURPOSE OF APPLICATION

The purpose of this application is to satisfy a violation we were not aware of, discussed in a letter mailed to us dated December 17, 2013. The violation was running a rental business from our property located at 430 Locust Point Road, Elkton, MD.

Our primary occupation is farming. But we need to have a secondary occupation in order to help save the farm. To do this, we want to rent and sell equipment. We did *not* know we needed a *Special Exception* to do this on our property.

After receiving this letter, we did some research on Home Occupations and found these requirements:

1. They should not change the residential character of the property.
2. No type of advertisement except a small unlighted sign identifying the business.
3. No goods for sale or rent shall be stored on the property in a manner to be seen from off the premises.
4. Parking is provided.
5. No equipment or process shall be used which creates noise, etc. or interference detectable from adjoining properties.

We feel we have met these requirements except for #3. Some equipment can be seen from off the premises. We plan to plant a tree buffer to satisfy this requirement. We are open to any other suggestions you may have to help us to fully meet these requirements.

File # 3669

Proposed
Trees
Buffer





*File # 3669
Glenn M. Sensing
map 38 / parcel 344*

*Subject
Property*

