

IN THE MATTER OF  
THE APPLICATION OF  
KEVIN W. JONES

\* BEFORE THE CECIL COUNTY  
\* BOARD OF APPEALS  
\* CASE NO.: 3675

(Variance)

\*  
\*

\* \* \* \* \*

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Kevin W. Jones (the “Applicant”). Applicant seeks a variance from the ten foot front yard setback requirement on property owned by Richard O. Bruno (“Owner”) located at 52 Cherokee Drive, North East, Maryland 21901, designated as Parcel 623 on Tax Map 31, in the Fifth Election District of Cecil County (the “Property”). The Property is in an area zoned Low Density Residential (“LDR”).

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 and Owner appeared and requested the variance in order to construct a bank of solar panels on the side of a deck on the Property. The Applicant testified that the request is for a ten foot variance from the front yard setback requirements as the contemplated construction of the solar panel banks would infringe ten feet into the buffer. Applicant and Owner further testified that in order to function, the solar panels require a southern exposure, which requires that they be situated alongside the deck. Additionally, they testified that placement of the solar panels farther out into the yard would require the removal of several trees. Owner testified that he is willing to plant trees as mitigation. He went on to testify that he has worked for years in a field that devoted tremendous concern to the health and safety of the Chesapeake Bay and would not undertake any activity that would be detrimental to the health of the local environment. The Critical Area Commission has no objection to the granting of the variance.

No further witnesses in favor or opposition to the application testified.

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 Property is of sufficient size to accommodate the proposal; however, because of certain requirements of the proposed use, e.g., southern exposure of the solar panels, and the placement of

existing trees on the Property, the Applicant is unable to situate the bank of solar panels in another location. Other properties of the size of the Parcel are able to construct banks of solar panels; however, without a variance, the Applicant will be unable to do so.

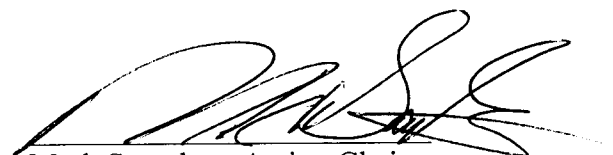
2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in the same zone. The placement of trees and structures on this particular Parcel render Applicant unable to construct the solar panels in a manner that other property owners would.

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 properties similarly situated are able to enjoy the sort of construction proposed by the 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**.

5/27/14  
Date

  
Mark Saunders, Acting Chairperson

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

MEET. MONTH: April 2014  
 FILE NO. 3675

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

DATE FILED: 3/14/14  
 AMOUNT PD: \$1200.00  
 ACCEPTED BY: [Signature]

ck #9586

Kenia Jones

**A. APPLICANT INFORMATION**

*mail TO* →

Kevin W Jones  
 APPLICANT NAME - PLEASE PRINT CLEARLY  
1176 Irishtown Road North East MD 21901  
 ADDRESS CITY STATE ZIP CODE  
[Signature]  
 APPLICANT SIGNATURE 443-553-7796  
 PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

*mail TO* →

Richard O. Bruno  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
52 Cherokee Drive North East MD 21901  
 ADDRESS CITY STATE ZIP CODE  
[Signature]  
 PROPERTY OWNER SIGNATURE 302-584-3703  
 PHONE NUMBER

MAR 04 2014

**C. PROPERTY INFORMATION**

52 Cherokee Drive  
 PROPERTY ADDRESS 5 015332  
 .825 acres ELECTION DIST. ACCT. NUMBER  
0031 0015 0623 N/A 35.937 .825 ac. LDR  
 TAX MAP # BLOCK GRID PARCEL LOT# SQUARE FEET ZONE  
59 FEET

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

INSTALLATION OF SOLAR PANEL ON SOUTH FACE OF EXISTING DECK. CAN NOT INSTALL ON ROOF. Ideal location INCHES WITHIN 50' SET-BACK FROM MHWL. (ASKING for 10' FRONT YARD 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? X YES NO  
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: VARIANCE to MBA Standard.  
 Is property in the 100 year Floodplain? X YES NO  
 Is property an Agricultural Preservation District? X YES NO

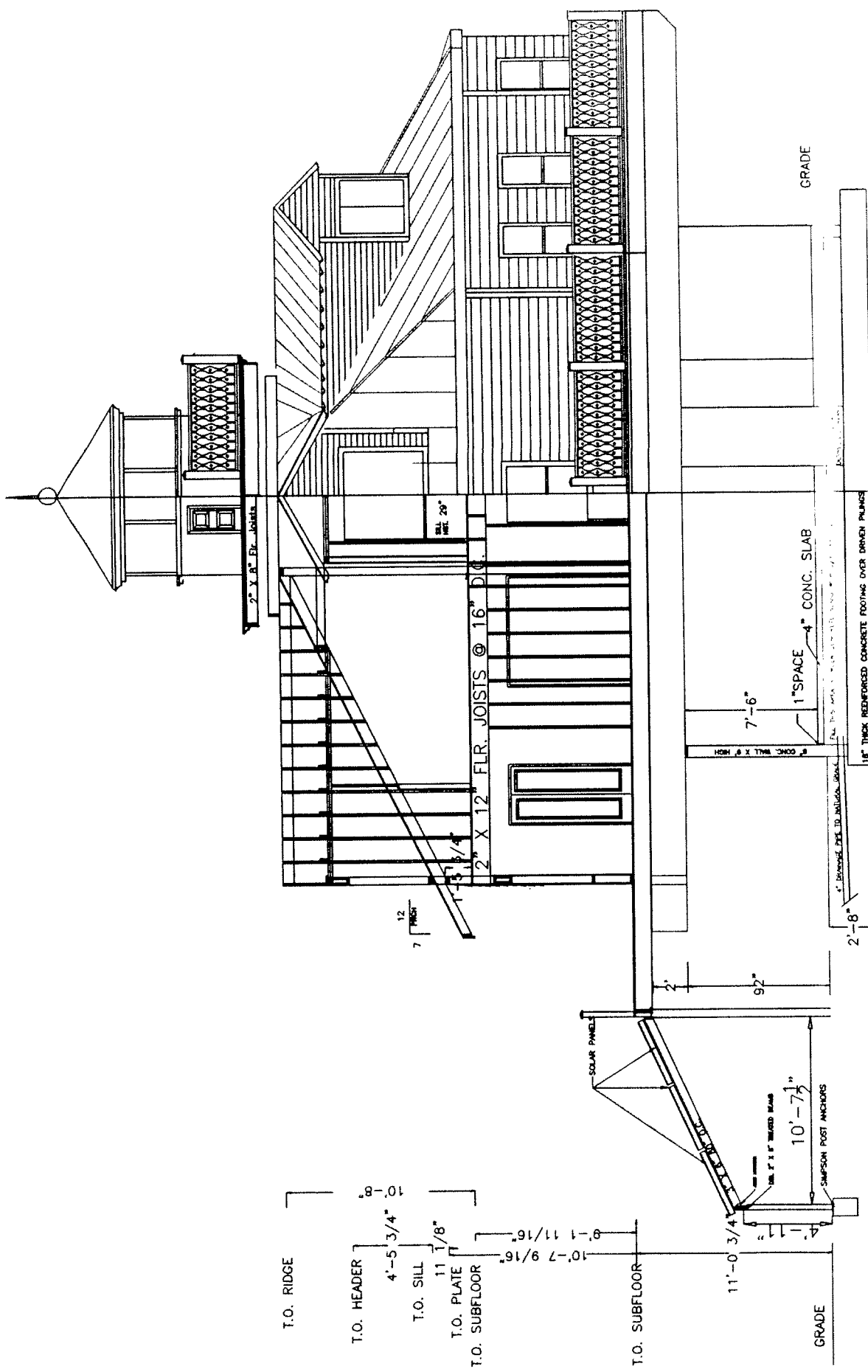
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

**G. PROVISION OF ZONING ORDINANCE:** STANDARDS AS REQUIRED 195.6(a) 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: \_\_\_\_\_

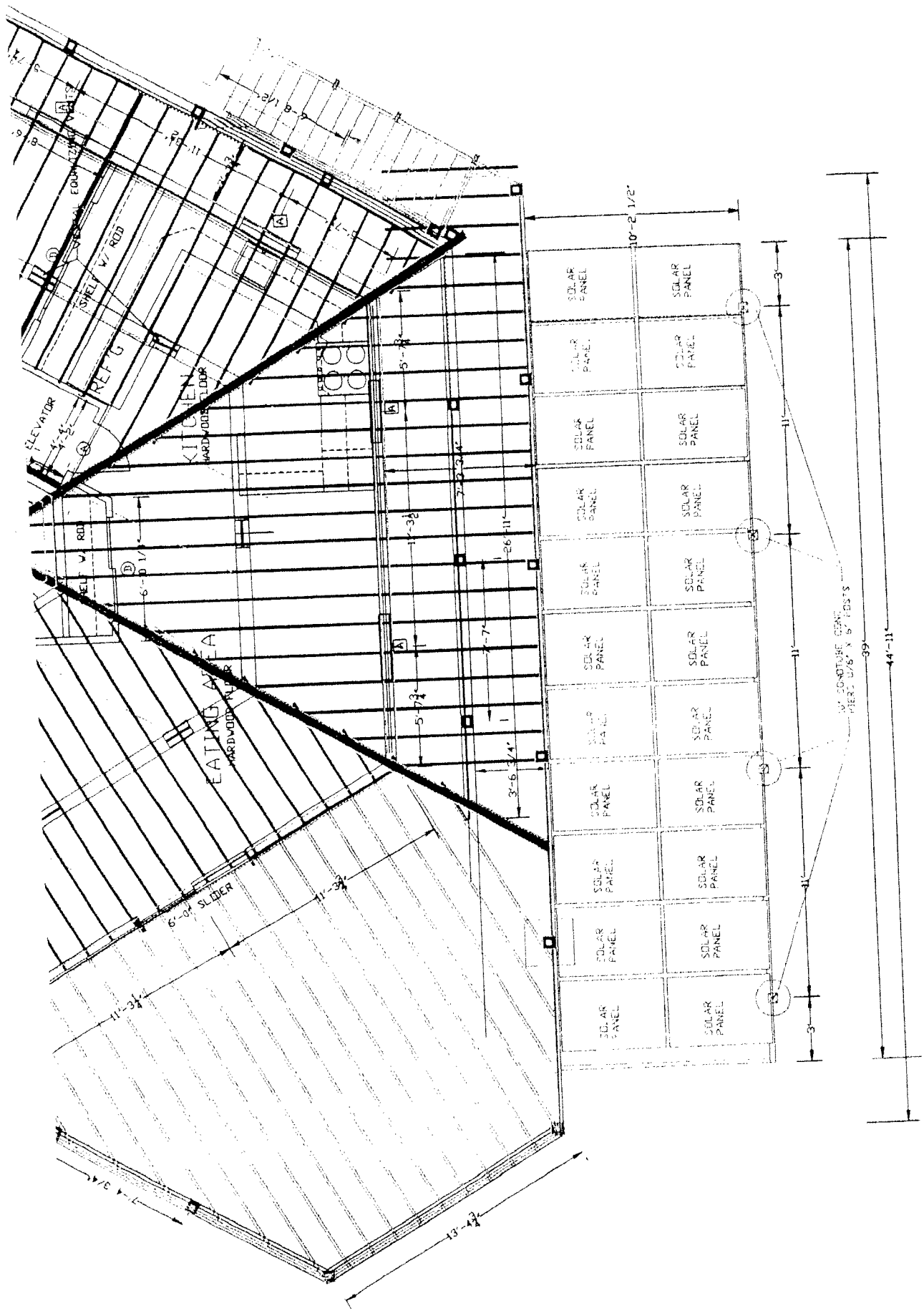


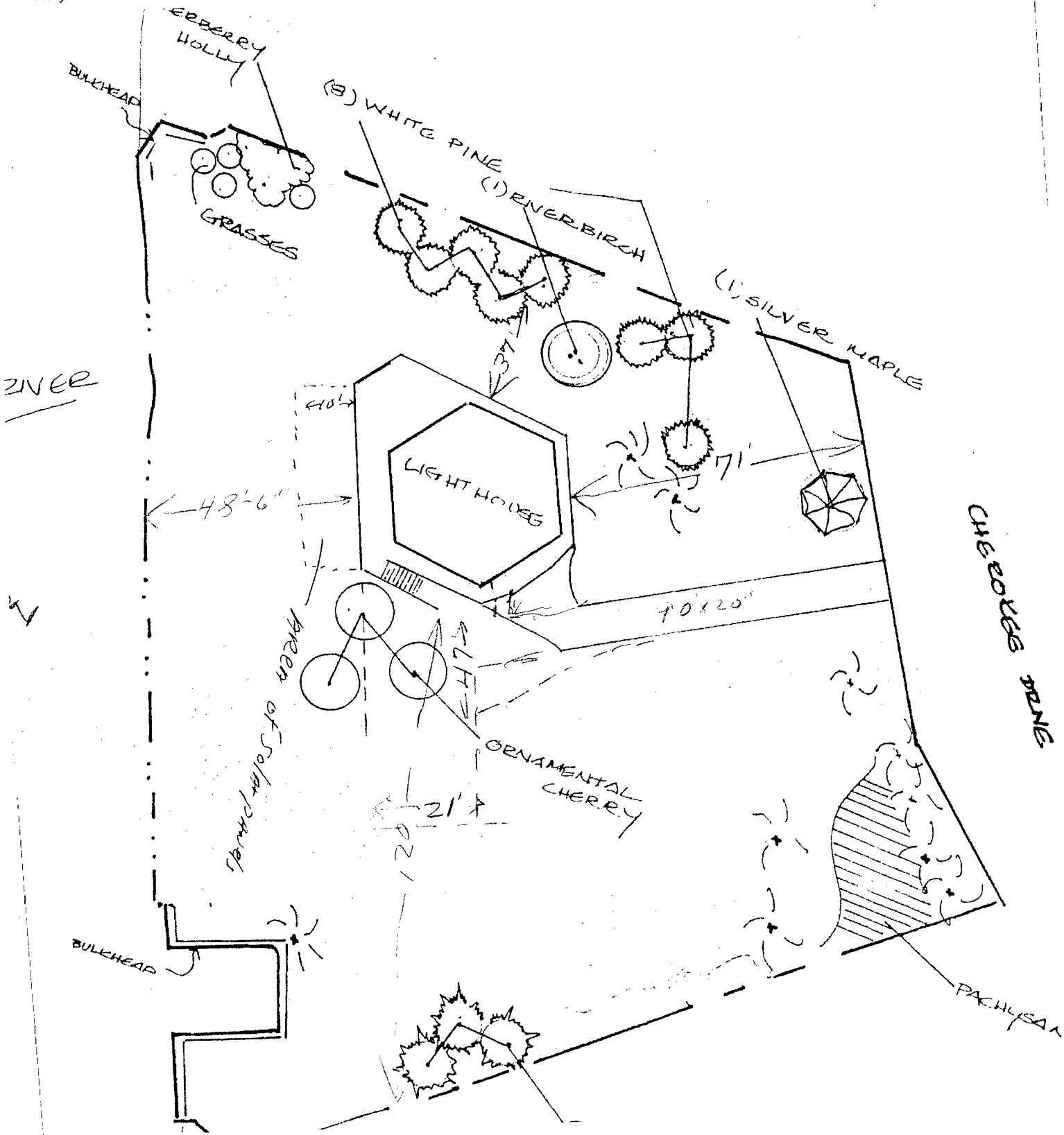
T.O. RIDGE  
 T.O. HEADER 4'-5 3/4"  
 T.O. SILL 11 1/8"  
 T.O. PLATE 9'-1 11/16"  
 T.O. SUBFLOOR 10'-7 9/16"  
 T.O. SUBFLOOR 11'-0 3/4"  
 GRADE

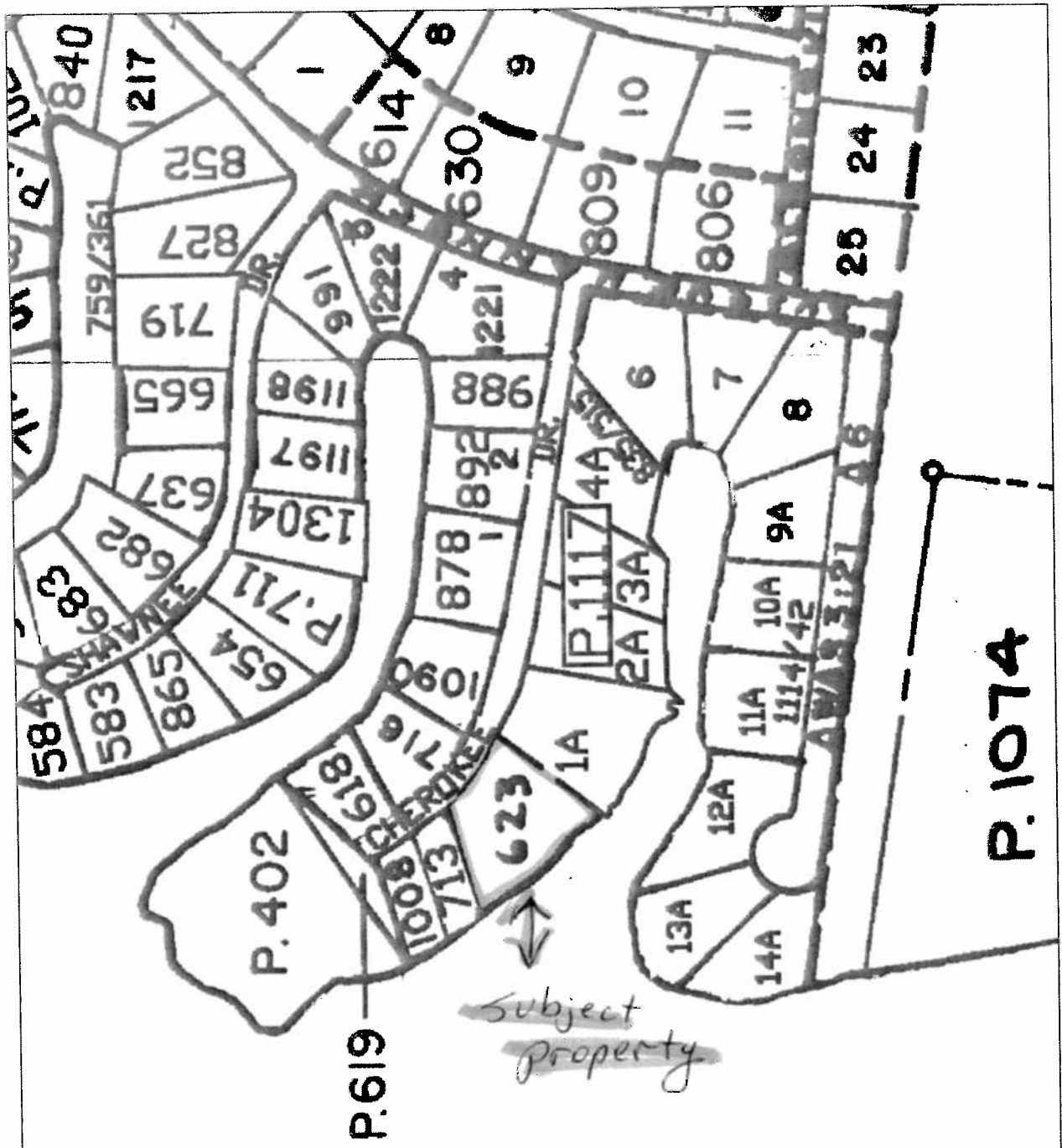
PROJECT: SOLAR PANEL INSTALLATION  
 SCALE: 1/8" = 1'  
 DATE: 2-11-14

Richard Bruno  
 52 Cherokee Drive  
 North East, Maryland  
 302-737-3375

Copyright Kevin W. Jones, Inc 2011  
**KEVIN W. JONES, INC.**  
 1176 Irishtown Road  
 North East, Maryland 21901  
 Phone 410-398-4773 Fax 410-398-8648







Subject  
Property

File # 3675

Richard O. Bruno

map 31 / parcel 623