

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
CECIL WOODS PARTNERS, LLC	*	CASE NO.: 3679
	*	
(Variance)	*	
	*	
* * * * * *	*	* * * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Cecil Woods Partners (the “Applicant”). Applicant seeks a variance from side yard setback requirements at property located at 80 Admirals Way, Elkton, Maryland 21921, designated as Lot 217, Parcel 295, Block 24 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.

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 and requested the variance in order to build a new manufactured home with a two-car garage on the Property. The Applicant testified that with the proposed garage the residence would encroach upon the 10' setback requirement by approximately four feet on each side yard. Applicant requested a 4 foot setback variance on each side yard in order to construct the garage.

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 along with the position of the property line render Applicant unable to construct a manufactured home with a two-car garage on the property without a variance from the side yard setback requirement. Other properties of the size of the Parcel are able to construct manufactured homes with a two-car garage in the manner proposed by the Applicant and without a variance Applicant will not be able to move forward with construction of the residence.

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

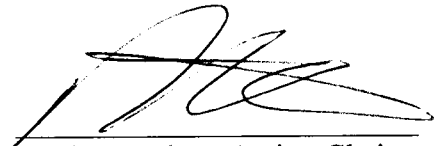
the same zone. Due to the position of the dwelling on the parcel and the distance to the property line the residence cannot be constructed as proposed without the requested yard setback variance.

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 manufactured homes on 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**.

7/29/14
Date


Mark Saunders, Acting Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: June 2014
FILE NO. 3679

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

DATE FILED: 5/14/14
AMOUNT PD: \$ 200.00
ACCEPTED BY: [Signature]
50789
MCKEL
Group

MAY 14 2014

A. APPLICANT INFORMATION

Cecil Woods PARTNERS LLC
APPLICANT NAME - PLEASE PRINT CLEARLY
1801 W. Palaski Hwy ELKTON Md 21921
ADDRESS CITY STATE ZIP CODE
[Signature] 410-287-0700
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Cecil Woods PARTNERS LLC
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
1801 W Palaski Hwy ELKTON Md 21921
ADDRESS CITY STATE ZIP CODE
[Signature] 410-287-0700
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

80 Admirals Way ELKTON Md 21921 05 013933
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
25 24 295 217 .17± 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)

SEE ATTACHED SHEET.

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:

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL:

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:



May 9, 2014

Cecil County Board of Appeals

Supplemental Description:

Purpose of appeal is to be able to place a new manufactured home and 2 car garage on the site, lot 217. The total length will exceed the building restriction line by approx. 7.32' at front of home and 7.63' at the rear of the home. The front of the home will be 15.97' from the back of the curb of Admirals Way. All of the home will be inside the designated lot area.

The other end of the home will be inside the building restriction line.

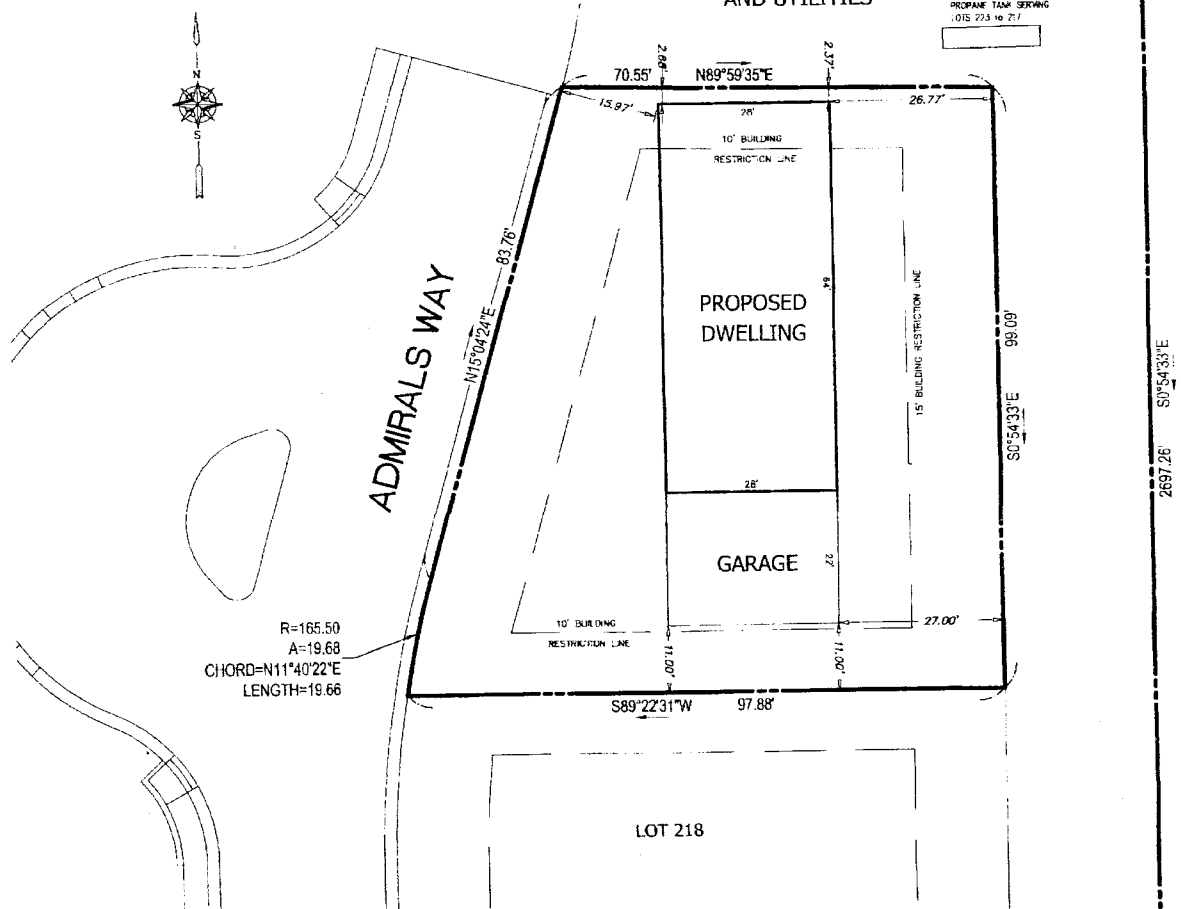
The end of the home exceeding the building restriction line will abut an area where there are utilities, to wit, an in ground sewage lift station with an above ground control panel. . Lot 217 is the last lot on the East & North side of Admirals Way. Should there be a further expansion; the next lot 216 would be over 400' from lot 217.

The lift station and control panel will be enclosed with a 6' high White PVC fence that will be lockable. Only designated personnel will have access to it.

CWP, LLC.
Jm

SECTION 3 OPEN SPACE
AND UTILITIES

PROPANE TANK SERVING
LOTS 223 to 217



R=165.50
A=19.68
CHORD=N11°40'22\"E
LENGTH=19.66

SITE DATA:

- | | |
|------------------------|--|
| 1.) ZONING | MH |
| 2.) VERTICAL DATUM | NAVD 88 |
| 3.) PARCEL NUMBER | MAP 25 PARCEL 295 LOT 223 |
| 4.) TOTAL SITE ACREAGE | 0.17± ACRES |
| 7.) WATER | PUBLIC WATER |
| 8.) SEWER | PUBLIC SEWER |
| 9.) OWNER | CECIL WOODS PARTNERS
900 W. SPROUL ROAD
SUITE 301
SPRINGFIELD, PA 19064 |
| 10.) SITE ADDRESS | 0 ADMIRALS WAY
ELKTON, MD 21921 |

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY
PROPERTY LINES, CONSTRUCTION OF FENCES, PLACEMENT OF
TREES OR SHRUBS, OR TO OBTAIN BUILDING PERMITS OF ANY
KIND, AS THIS IS NOT A SURVEY.

PLOT PLAN
FOR LANDS OF
LOT 217 - ADMIRALS WAY
CECIL WOODS SUBDIVISION
FOR
THE MCKEE GROUP
ADC MAP NO. 11, GRID J-7
TAX PARCEL NO. MAP 25, PARCEL 295
5TH ELECTION DISTRICT
CECIL COUNTY MARYLAND

Clifton L. Bakhsh, Jr., Inc.
Land Surveyors, Engineers, & Planners

4450 Summit Bridge Road, Middletown, DE 19709
Phone: (302) 378-8009 Fax: (302) 378-7498

Date : 4-23-2014 Drawn By : mir
Scale : 1" = 20' Checked By : rdb
Comm. No. File No. :