

IN THE MATTER OF  
THE APPLICATION OF  
CARL E. SCHAUMANN  
(Special Exception - SAR)

BEFORE THE CECIL COUNTY  
BOARD OF APPEALS  
CASE NO.: 3691

**OPINION**

Application of Carl E. Schaumann (the “Applicant”), to renew a special exception to operate an in-home business at property located at 1119 Cecilton Warwick Road, Warwick, Maryland 21912, designated as Lot 1, Parcel 0069 on Tax Map 0063, in the First Election District of Cecil County (the “Property”), in an area presently zoned Southern Agricultural Residential (SAR). The property is owned by the Applicant.

This application is brought under the provisions of 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.

Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board of Appeals after considering all facts in the case unless the following findings are made:

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)

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.

Applicant requests renewal of a special exception to operate an in-home business on the Property. The Applicant operates an existing bakery at the Property. Applicant testified that he has constructed an outbuilding on the Property to do the baking. He sells baked goods to farmer's markets so there is no storefront on the Property. He is baking approximately two days per week. There are no employees, no customers come to the Property, and he has received no complaints from neighbors.

No witnesses appeared to testify in favor or in opposition to the request.

Eric Sennstrom, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the application for as long as Applicant owns the property and operates the business.

From the evidence, the Board makes the following findings of facts pursuant to the requirements of Section 311:

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare. There was no opposition to the application

at the hearing or submitted to the Board in writing, and the Applicant will be using the Property for a use comparable to the existing use..

2. There was no evidence indicating that the use will be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor was there any evidence to demonstrate that such use will substantially diminish or impair property values in the neighborhood. In two years of operating a bakery at the Property, Applicant has received no complaints from neighbors.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use.

4. There was no evidence indicating that the proposed use will, 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. There was no evidence indicating that the proposed use will adversely affect critical natural areas or areas of ecological importance.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

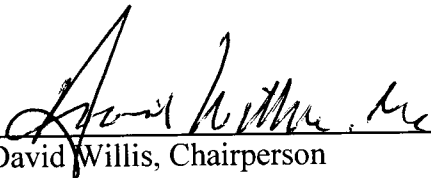
7. There was no evidence that the particular use proposed at the particular location proposed, will have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (*Schultz v. Pritts*, 291 MD. 1)

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. The baked goods are transported to and sold at farmers markets, so no customers come to the Property.

9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the County.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Sections 79 and 311 have been met, and the application is **APPROVED** for so long as the Applicant owns the Property and operates the business.

10/28/2014  
Date

  
David Willis, Chairperson

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

MEET. MONTH: Sept 2014  
FILE NO. 3697

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

DATE FILED: 7/23/14  
AMOUNT PD: \$250.00  
ACCEPTED BY: Cash [Signature]

Received  
JUL 23 2014  
Cecil County Office  
of Planning & Zoning

**A. APPLICANT INFORMATION**

Carl E. Schaumann  
APPLICANT NAME - PLEASE PRINT CLEARLY  
1119 Cecilton Warwick rd, Warwick, MD 21912  
ADDRESS CITY STATE ZIP CODE  
Carl E. Schaumann  
APPLICANT SIGNATURE (443) 907-7899  
PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Beth Renzulli, Carl Schaumann  
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
1119 Cecilton Warwick rd, Warwick, MD 21912  
ADDRESS CITY STATE ZIP CODE  
[Signature] Carl E. Schaumann  
PROPERTY OWNER SIGNATURE (410) 755-6623  
PHONE NUMBER

**C. PROPERTY INFORMATION**

1119 Cecilton Warwick rd, Warwick, MD 21912 01 - 066897  
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
63 3 69 1 1.599 JAR  
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

So I can continue to be employed and produce high quality baked goods to our community.

**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  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 79

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: #3612  
Approved for 2 YRS

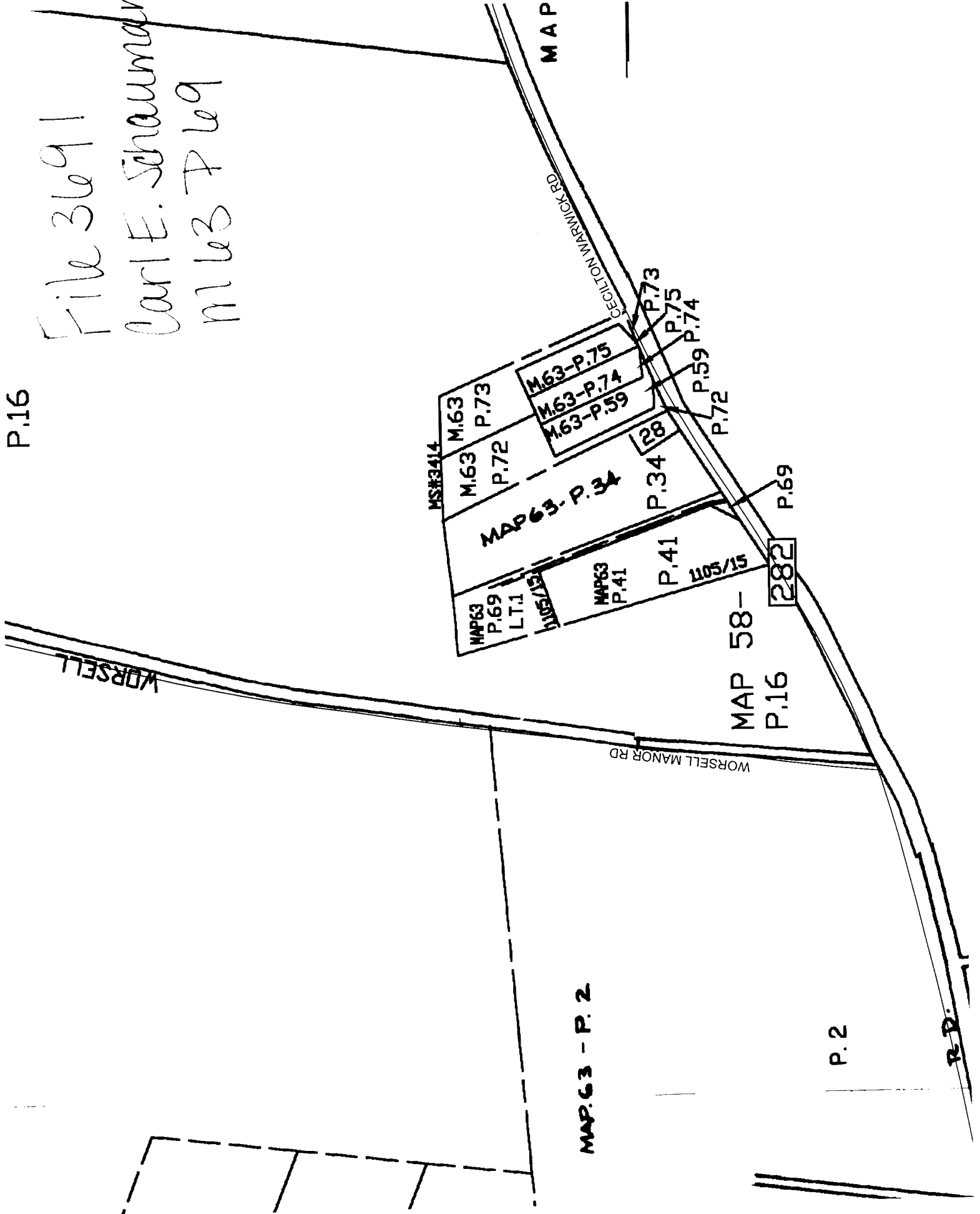
**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

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: \_\_\_\_\_

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Carl E. Schaumann  
m 63 P 69



MAP. 63 - P. 2

MAP 58 -  
P.16

MAP 63 - P. 34

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M.63 P.72  
M.63-P.75  
M.63-P.74  
M.63-P.59

MS#3414

MAP 63  
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LT.1  
1105/121

WORSSELL MANOR RD

MAP

CECILTON WARKICK RD

WORSSELL

P. 2

R.D.

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