

IN THE MATTER OF
THE APPLICATION OF
WILLIAM MORROW III
(Special Exception - RR)

BEFORE THE CECIL COUNTY
BOARD OF APPEALS
CASE NO.: 3692

OPINION

Application of William Morrow III (the “Applicant”), for a special exception to operate an in-home business at property located at 1191 Dr. Jack Road, Conowingo, Maryland 21918, designated as Parcel 0165 on Tax Map 0022, in the Seventh Election District of Cecil County (the “Property”), in an area presently zoned Rural Residential (RR). The property is owned by the Applicant and Elke Binder.

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 appeared and testified that he is seeking a special exception to operate an in-home massage therapy business. Applicant testified that he anticipates having one client per evening. He further testified that he is hoping to have one or two clients a few nights per week. Massages will be by appointment only. Applicant testified that there is ample parking at the Property. He further testified that he anticipates being open from 9:00 a.m. until 5:00 p.m. on Saturdays, but that all other business hours will be in the evening by appointment only.

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 a period of two years.

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 there is nothing in the proposed use indicating a danger to the public health, safety, or general welfare.

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.

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. Applicant is anticipating a minimal number of clients that will not create traffic issues at 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 a period of two years.

10/28/2014
Date



David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Sept
FILE NO. _____

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

DATE FILED: 7/25/14
AMOUNT PD: \$250.00
ACCEPTED BY: JB

A. APPLICANT INFORMATION

MR. WILLIAM MORROW

APPLICANT NAME - PLEASE PRINT CLEARLY
1191 DR JACK ROAD CONOWINGO, MARYLAND 21918
ADDRESS CITY STATE ZIP CODE
William Morrow **410-378-4466**
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

WILLIAM MORROW and Elke Binder (wife)
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
1191 Doctor Jack Road Conowingo, Maryland 21918
ADDRESS CITY STATE ZIP CODE
William Morrow Elke Binder **410-378-4466**
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

1191 Doctor Jack Road, Conowingo, MD. 21918 **07 030037**
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
0022 0004 0165 1.11 RR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Please see attached pages. Thank you ☺

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 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: 1/10

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

Will unit be visible from the road? 1/11 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: _____

Dear Board of Appeals Members



I am a Massage Therapist and I would like to attract one or two clients in the evening hours into our home on Doctor Jack Road, Conowingo, for treatment.

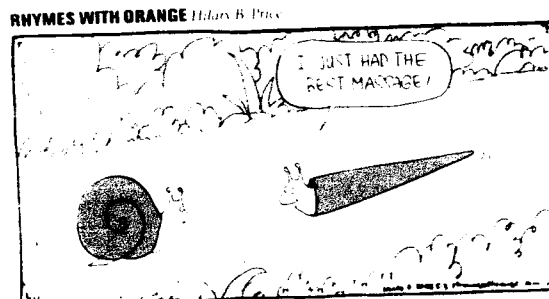
If I can get a client to come to our home (and that is a big “IF” for now 😊😊), it would be great if you could approve the “Application for Special Exception”, because it will be very silent and noninvasive for our neighborhood.

As you can see on the Sketch of the Property, that client would drive into our drive way, (far away from any public traffic) and he/she would then enter through our back Terrace Door into our divided living room for treatment.

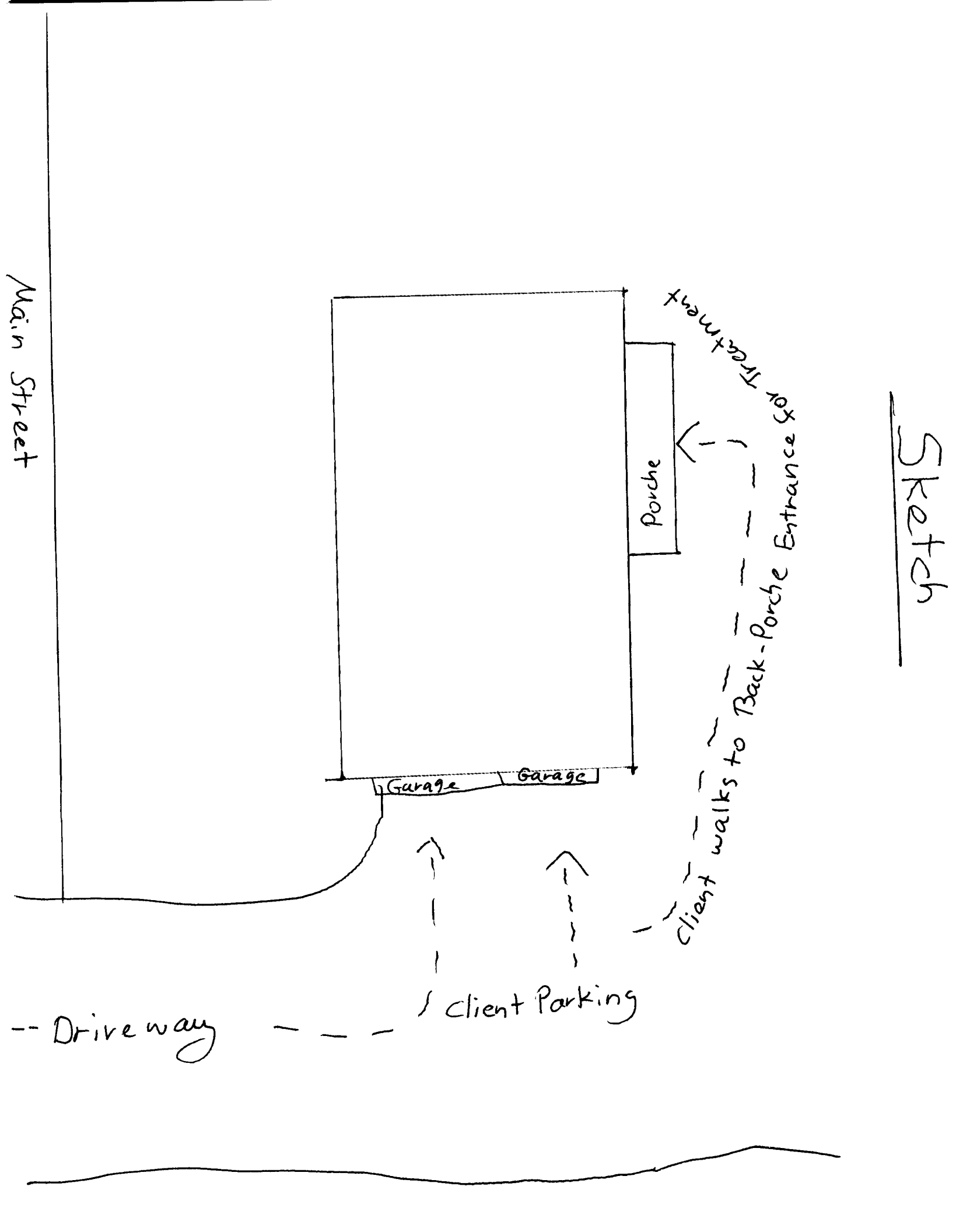
Since I am working full time during the day, the neighborhood will most likely not even see that one Car, that would come onto our property. And I can assure you that the neighborhood will be safe from noise or other disturbances and that is a promise.

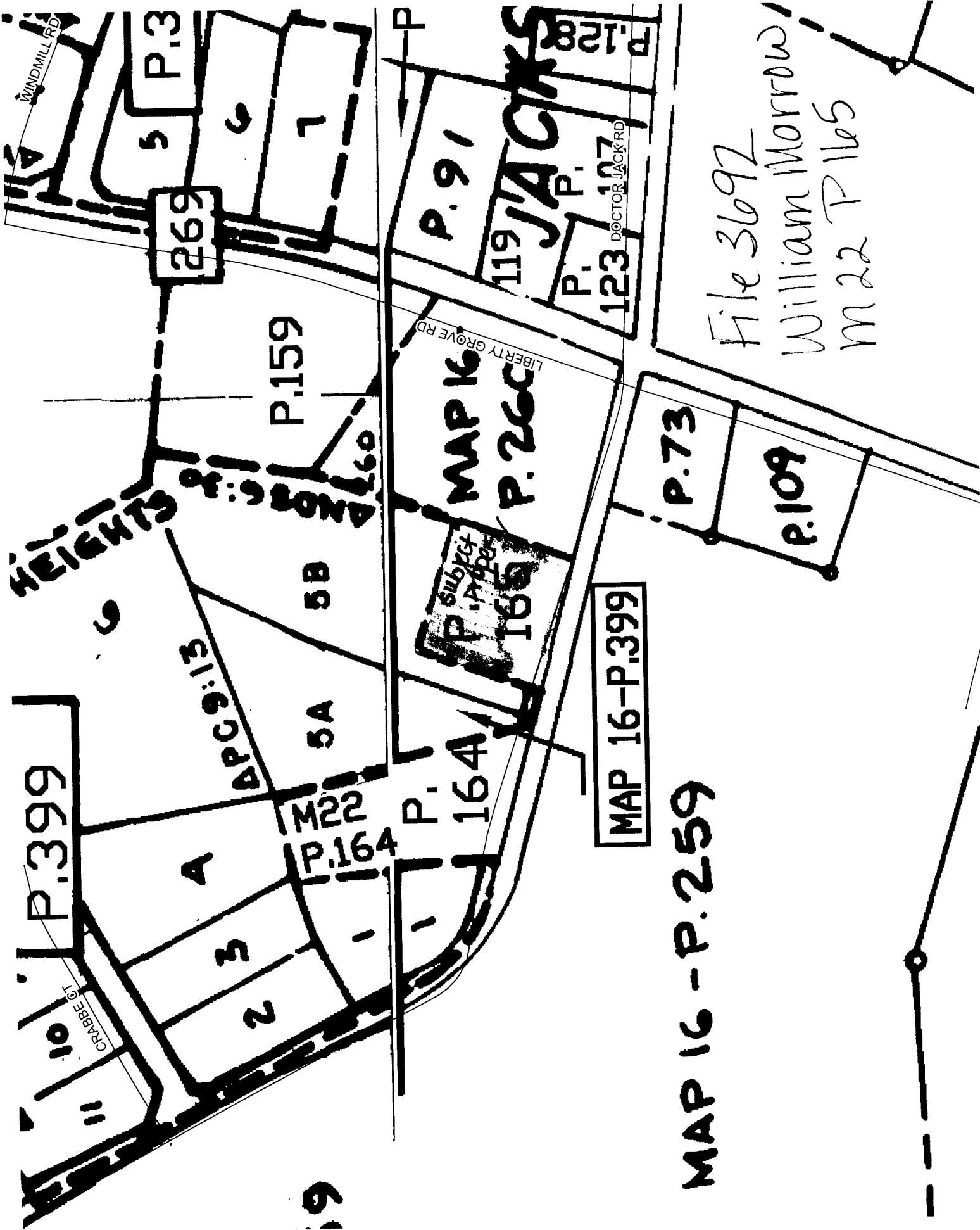
You are responsible that our neighborhoods stay safe and disturbance free. Thanks to you, nobody can just open up a Bar or a Junk Yard in our quiet and clean neighborhoods. Most of us don’t even know you exist until they need your approval for something. I certainly did not know of your work. I thought it was enough to get a business license. But, of course, that would be CHAOS. I never thought about who is keeping things safe and under control until I started this process. This cannot be an easy job for you all. Thank you for your hard and difficult work. Seriously! This must be very stressful.

**With many Regards
William Morrow**



Sketch





File 3692
 William Morrow
 M 22 P 165

MAP 16 - P.259