

IN THE MATTER OF
THE APPLICATION OF
KEVIN URICK

(Variance)(MH)

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3693
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OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Kevin Urick (the “Applicant”). Applicant seeks a variance from the road frontage requirements in order to subdivide up to five (5) parcels from the approximately fifty (50) acre property located at 100 Buttonwood Beach Road, Earleville, Maryland 21919, designated as Parcel 100 on Tax Map 32, in the Third Election District of Cecil County (the “Property”). The Property is in an area zoned Manufactured Home (“MH”) and is owned by Elizabeth A. Pasquarello, Walter S. Barclay, Jr., and Dorcas E. Barclay.

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 testified that a variance is being sought to the road frontage requirements in order to subdivide the Property. The Property consists of approximately fifty acres and has no public road frontage. Property was originally subdivided off of a 150 acre parcel that was subdivided into three lots, resulting in a lack of road frontage for this parcel. Applicant requested the ability to subdivide up to five lots from the Parcel. This would allow the property owners to each take a lot and allow additional lots to be transferred to family members.

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 Applicant is unable to subdivide the property because of the road frontage requirements. Other properties of the size of the Parcel are able to subdivide in the manner proposed by the Applicant and without a variance Applicant will not be able to move forward with the proposed subdivision.

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 unique position of the Property with respect to the road map as a result of

the prior subdivision, a parcel that would be otherwise able to be subdivided is unable to be subdivided.

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 subdivide 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** for the purpose of doing a minor subdivision.

10/23/2014
Date

David Willis
David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Sept 14
 FILE NO. 3693

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

DATE FILED: 8/20/14
 AMOUNT PD: \$200.00
 ACCEPTED BY: [Signature]

A. APPLICANT INFORMATION

Kevin Urick, Esq., Agent for Owners
 APPLICANT NAME - PLEASE PRINT CLEARLY
233 E. Main St. Elkton Md 21921
 ADDRESS CITY STATE ZIP CODE
[Signature] 443-838-6536
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Please see continuation sheet - top signatures
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
 ADDRESS CITY STATE ZIP CODE
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

100 Buttonwood Beach Rd 01 058790
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
0051 0020 0024 54.6 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)

Please see continuation 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 NO (LDR)
 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: and Article VII Section 171

Regulating Road Frontage we've

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: _____
 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: _____

CONTINUATION SHEET

B. PROPERTY OWNER INFORMATION:

1. Elizabeth Anne Pasquarello

Property Owner Name			
314 S. Union Street	Wilmington	DE	19805
Address	City	State	Zip Code
<i>Elizabeth Anne Pasquarello</i>			302-777-1147
Property Owner Signature	Phone Number		

2. Walter Scott Barclay, Jr.

Property Owner Name			
100 Buttonwood Beach Rd.	Earleview	MD	21919
Address	City	State	Zip Code
<i>Walter Scott Barclay, Jr.</i>			443-685-7246
Property Owner Signature	Phone Number		

3. Dorcas Elaine Barclay

Property Owner Name			
250 E. Main St.	Elkton	MD	21921
Address	City	State	Zip Code
<i>Dorcas Elaine Barclay</i>			443 945 6499
Property Owner Signature	Phone Number		

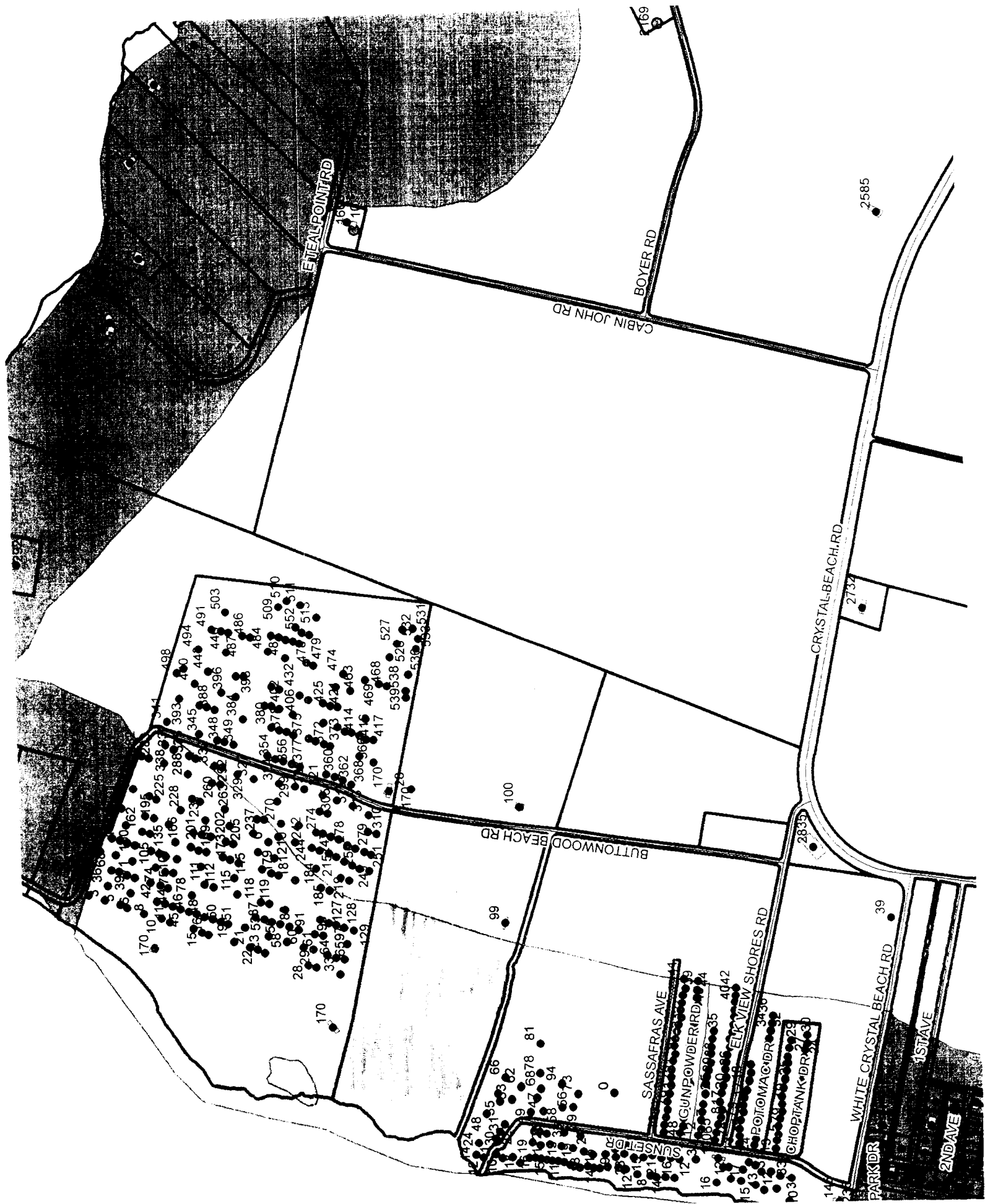
D. PURPOSE OF APPLICATION

The current owners of 100 Buttonwood Beach Road wish to create a minor subdivision of the property. However, the property has no public road frontage. Buttonwood Beach Road, a private road running along an easement through the property, is the only road abutting the property. The owners seek a variance to the public road frontage requirement of Article VI, Schedule of Zone Regulations, pursuant to Article VII, Section 171, Road Frontage Waivers, so that they may subdivide the property.

September 27, 1957, Elkview Shores, Inc., deeded the property to Dorcas C. Barclay. WAS book 53 page 285. June 5, 2001, Dorcas C. Barclay deeded the same property, without alteration, to herself and her three children, Elizabeth Anne Pasquarello, Walter Scott Barclay, Jr., and Dorcas Elaine Barclay. WLB book 01617 page 00060. Dorcas C. Barclay is since deceased, leaving the three siblings as joint owners with right of survivorship.

100 Buttonwood Beach Road has had no subdivision since at least 1957. Now the joint owners wish to sever the joint ownership and subdivide the property with the aim of being able to build residences and reside on their respective properties. The parameters of the minor subdivision envisioned will be established later by the surveyor who is contracted to effect the division and lay out the boundaries. Attached is a map from county records showing 100 Buttonwood Beach Road in orange (the property has two additional address of 170, a rental office for the adjacent vacation resort, and 99, which is the site of a trailer which once served as a residence). The map shows that the property, which runs from the waterfront, then for a distance inland, abuts no public roads.

The joint owners do not seek to sell the property but rather to retain ownership. By a minor subdivision they expect to make better personal use of the property.



E NEAL POINT RD

BOYER RD

CABIN JOHN RD

CRYSTAL BEACH RD

BUTTWOOD BEACH RD

SASSAFRAS AVE

GUNPOWDER RD

ELK VIEW SHORES RD

POTOMAC DR

CHOPTANK DR

WHITE CRYSTAL BEACH RD

1ST AVE

2ND AVE

- 170, 10, 8, 42, 7, 105, 95, 225, 38, 2, 44, 498, 40, 494, 491
- 5, 39, 1, 10, 162, 22, 25, 2, 44, 393, 345, 388, 44, 491
- 170, 10, 8, 42, 7, 105, 95, 225, 38, 2, 44, 166, 228, 288, 393, 345, 388, 44, 491
- 156, 8, 111, 20, 123, 26, 2, 44, 260, 348, 396, 44, 491
- 19, 51, 115, 17, 202, 26, 2, 44, 349, 384, 487, 486
- 21, 1, 15, 205, 32, 5, 2, 44, 396, 484, 509, 510
- 22, 3, 5, 8, 7, 118, 1, 23, 7, 1, 354, 389, 48, 491
- 58, 5, 119, 17, 5, 181, 2, 10, 270, 31, 354, 389, 48, 491
- 50, 9, 18, 21, 5, 4, 30, 5, 56, 7, 7, 4, 48, 491
- 50, 9, 18, 21, 5, 4, 30, 5, 56, 7, 7, 4, 48, 491
- 28, 9, 5, 1, 18, 21, 5, 4, 30, 5, 56, 7, 7, 4, 48, 491
- 33, 4, 4, 9, 18, 21, 5, 4, 30, 5, 56, 7, 7, 4, 48, 491
- 35, 9, 7, 1, 27, 1, 5, 5, 36, 2, 3, 3, 4, 2, 4, 7, 4
- 5, 5, 9, 7, 1, 27, 1, 5, 5, 36, 2, 3, 3, 4, 2, 4, 7, 4
- 129, 24, 2, 2, 9, 5, 5, 36, 2, 3, 3, 4, 2, 4, 7, 4
- 170, 25, 1, 3, 3, 10, 170, 417, 469, 468, 527
- 170, 28, 170, 28, 539, 538, 529, 532, 531, 531
- 100, 99

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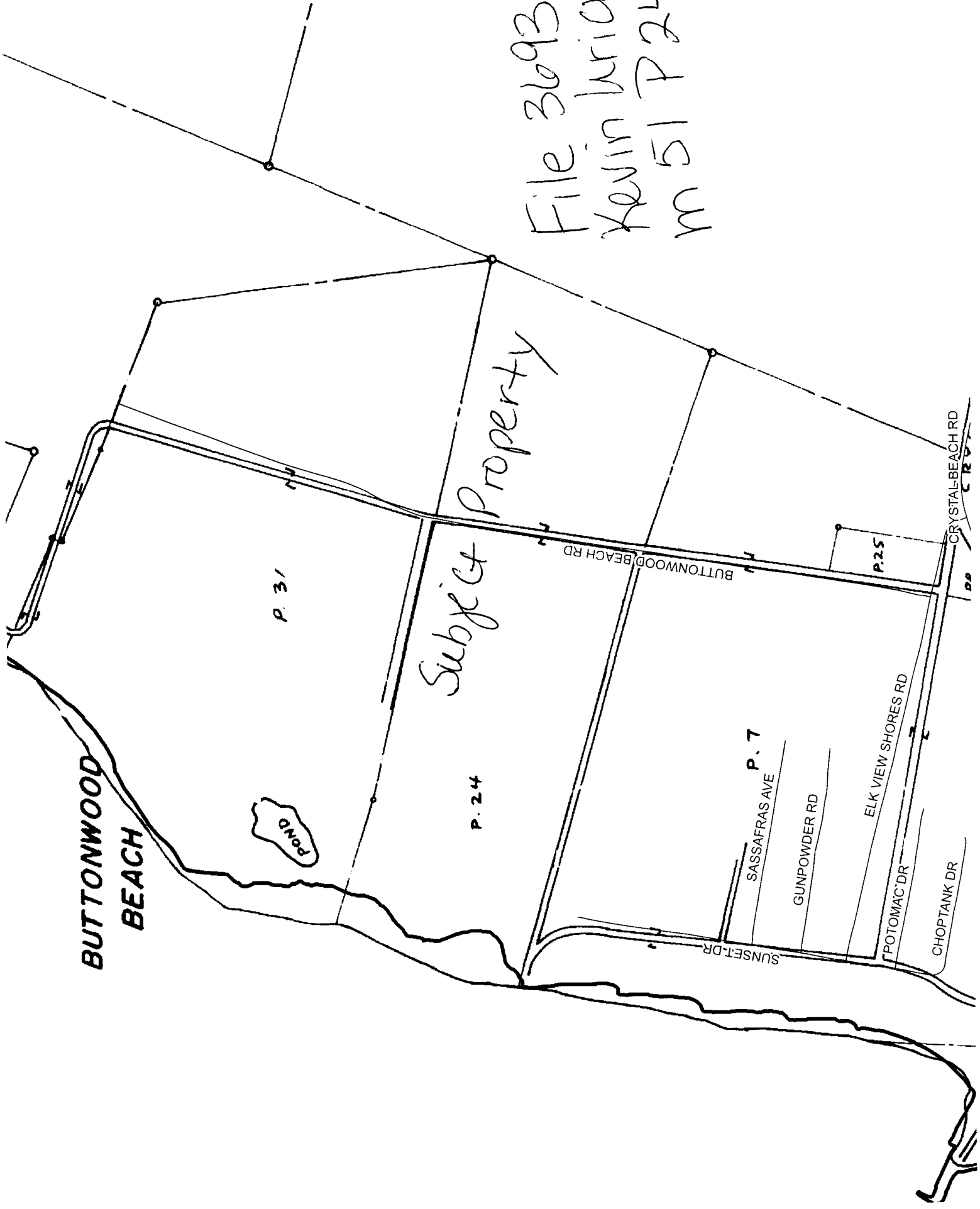
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File 3693
Kevin Wick
M 51 P 24



BUTTONWOOD
BEACH

Subject Property

P. 31

P. 24

P. 7

P. 25

CRYSTAL BEACH RD

BUTTONWOOD BEACH RD

SUNSET DR

SASSAFRAS AVE

GUNPOWDER RD

ELK VIEW SHORES RD

POTOMAC DR

CHOPTANK DR