

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
MICHAEL MAGGITTI	*	CASE NO.: 3698
	*	
(Variance)	*	
* * * * * *	*	* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Michael Maggitti (the “Applicant”). Applicant seeks a variance for 4’ side yard setback requirements at property located at 115 Andora Drive, Elkton, Maryland 21921, designated as Parcel 338 on Tax Map 13, in the Fourth Election District of Cecil County (the “Property”). The Property is in an area zoned Rural Residential (“RR”) and is owned by Michael Maggitti and Tammy Maggitti.

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 testified that wishes to construct a shed on their Property. Applicant testified that they need half of the shed to cross the 10' setback and therefore thinks they need 2 ½' but is requesting a 4' variance to the setback requirement.

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 to accommodate the shed, because of the way the shed is situated on the lot the Applicant is unable to construct the shed without a variance.

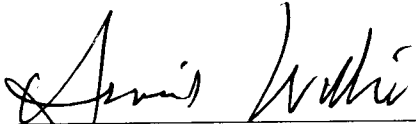
2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in the same zone. Due to the position of the shed on the Parcel, Applicant is unable to construct a shed without a 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 properties similar in size and dimension to the Property are able to construct sheds 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**.

11/25/2017
Date


David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Oct 2014
 FILE NO. 3698

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL ()
 SPECIAL EXCEPTION ()
 VARIANCE (✓)
 APPEAL ()

09-18-2014

DATE FILED: 9/18/14
 AMOUNT PD: \$200.00 - cash
 ACCEPTED BY: [Signature]

A. APPLICANT INFORMATION

Michael Maggitti
 APPLICANT NAME - PLEASE PRINT CLEARLY
115 Andora drive Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE
[Signature] 302-690-4940
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Michael & Tammy Maggitti
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
115 Andora drive Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE
[Signature] 302-690-4940
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

115 Andora drive 4th 028481
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
13 10 338 10A 3.75 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)

Proposed pole barn location is 7.65 feet from side property line. Moving the barn to 10 feet would make it necessary to widen the driveway and leave it not straight. Distance to neighbors house is approx. 160 feet so a variance of 2.35 feet seems reasonable. Other locations require extensive grading. Barn kit does not come smaller than 24'.

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. 4' side yard setback variance

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: 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: _____

**PLAT OF PROPERTY SITUATED
115 ANDORA DRIVE
ELKTON, MD
MICHAEL AND TAMMY MAGGITT
302-690-4940**

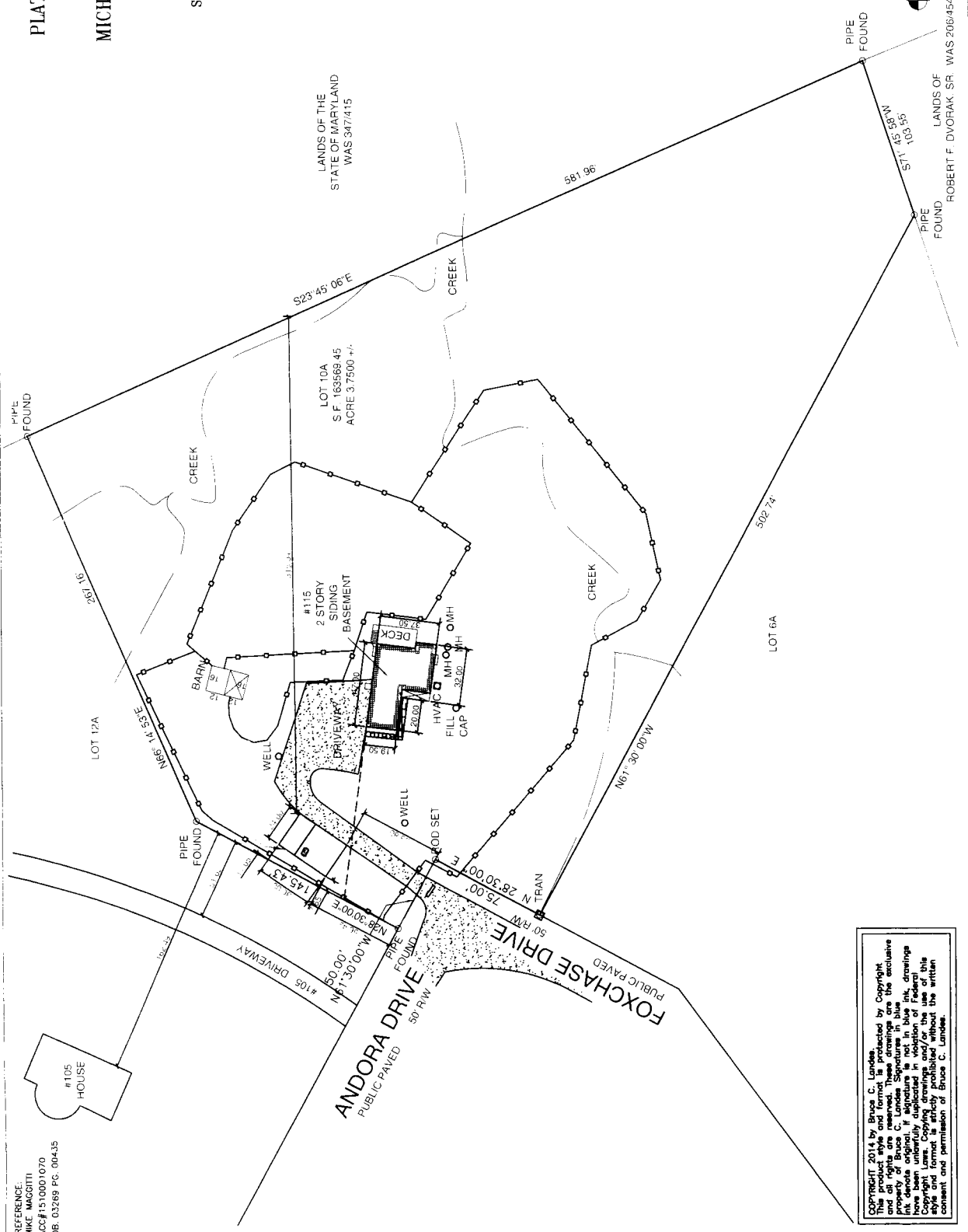
DISTRICT 15
COUNTY OF CECIL, MD.
SEPTEMBER 03, 2014 SCALE 1" = 70'

NOTES:
TITLE NUMBER NOT PROVIDED
WATERS OF THE UNITED STATES ARE NOT DESIGNATED BY THIS SURVEY.
WETLANDS AND SUBAQUEOUS AREA OF WETLANDS MAY BE SUBJECT TO THE FEE RIGHTS OF THE COMMONWEALTH OF MARYLAND. THE SURVEYOR HAS CONDUCTED VISUAL DETERMINATION OF TITLE AND NO OPINION OF TITLE IS AVAILABLE AS OF DATE OF SURVEY. SUBJECT TO SECTION 28-2-720 OF THE CODE OF VIRGINIA.
THIS PROPERTY IS LOCATED IN A SECTION OF THE HOUSING AND URBAN DEVELOPMENT. (PREMISES LOCATED IN ZONE X MAP 04 2401500090)REFERENCE IS HEREBY MADE TO ALL EASEMENTS, ENCUMBRANCES, AND RECORDS WHICH MAY APPLY TO SAID PROPERTY.

THE INFORMATION COMPILED HEREON IS THE WORK PRODUCT OF BRUCE C. LANDES AND HIS AGENTS FOR MORTGAGE PURPOSES.
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM REQUIREMENTS AND STANDARDS OF THE PROFESSIONAL ENGINEERS AND BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED ARCHITECTS.

CERTIFICATION
THIS IS TO CERTIFY THAT WE MADE AN ADEQUATE FIELD SURVEY OF THE PROPERTY SHOWN HEREON THAT ALL IMPROVEMENTS AND VISIBLE EASEMENTS ARE SHOWN HEREON, THAT THERE ARE NO ENCROACHMENTS BY ADJACENT OR SURROUNDING PROPERTIES, OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON.
ANY CERTIFICATION OR SPECIAL PROVISIONS OF THIS SURVEY ARE SUBJECT TO TERMS, CONDITIONS AND RESTRICTIONS OF PROFESSIONAL LIABILITY INSURANCE POLICY AND/OR ANY NOTIFICATION RELATIVE TO SAID INSURANCE AS IT APPLIES TO THIS SURVEY AND ANY RECORDS HEREBY.

BRUCE C. LANDES
LAND SURVEYOR - PLANNER
1914 WILLOWHURST DRIVE
P.O. BOX 25957
PHOENIX, AZ 85027-0555
PHONE (602) 377-0333 FAX 352-9558



REFERENCE:
#1105 HOUSE
#115 HOUSE
ACC#1510001070
DB: 03289 PC: 00435

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Search Result for CECIL COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 04 Account Number - 028481							
Owner Information									
Owner Name:		MAGGITI MICHAEL G MAGGITI TAMMY L				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		115 ANDORA DR ELKTON MD 21921-2727				Deed Reference:		/03608/ 00186	
Location & Description Information									
Premises Address:		115 ANDORA DR ELKTON 21921-0000				Legal Description:		LOT 10A -3.755 ACRES 115 ANDORA DRIVE FOX CHASE MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0013	0018	0338		0000	C		10A	2014	
Special Tax Areas:		Town:				Ad Valorem:		NONE 4	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1990		2,246 SF		770 SF		3.7500 AC			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT	SIDING	2 full/ 2 half	1 Attached				
Value Information									
		Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2014		As of 07/01/2015	
Land:		121,700		121,700					
Improvements		139,300		163,800					
Total:		261,000		285,500		269,167		277,333	
Preferential Land:		0						0	
Transaction Information									
Seller: MARTIN MICHAEL A				Date: 08/21/2014		Price: \$320,000			
Type: ARMS LENGTH IMPROVED				Deed1: /03608/ 00186		Deed2:			
Seller: HALL DAVID G JR & SUE N				Date: 10/03/2012		Price: \$355,000			
Type: ARMS LENGTH IMPROVED				Deed1: /03269/ 00435		Deed2:			
Seller: ZERN, SUE A.				Date: 09/18/1996		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: WLB /00615/ 00233		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Exemption Information									
Homestead Application Status: No Application									

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

File 3698

Michael Maggitti

MIB P 338

Lot 10A

P10 P. 305

