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| IN THE MATTER OF | * | BEFORE THE CECIL COUNTY |
| THE APPLICATION OF | * | BOARD OF APPEALS |
| JEANNIE SLAYMAN | * | CASE NO.: 3806 |
| | * | |
| (Special Exception –RM) | * | |
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| * * * * * | | |

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Jeannie Slayman (the “Applicant”). Applicant seeks a special exception to operate a home occupation on property owned by her located at 463 Old Philadelphia Road, North East, Maryland 21901, designated as Block 3, Parcel 211 on Tax Map 31 in the Fifth Election District of Cecil County (the “Property”), in an area zoned High Density Residential (“RM”) in accordance with Article V, Part VIII, 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 conducted on the same property as the residence and do not change the residential character 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 from adjoining properties.

In determining whether to grant an application for a Special Exception the Board must consider Section 311 of the Ordinance, which states:

No special exception shall be approved by the Board of Appeals after considering all facts in the case unless such Board shall find:

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 (1981).
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.

Article XVII, Part II, Section 311, Cecil County Zoning Ordinance.

Applicant testified that she seeks to operate an in-home business engaged in the sale of crafts and garden items. She testified that she typically goes to fairs to engage in this business; however,

she wishes to move her business to an outbuilding/shop on her property. Applicant testified that she has been approved by the Health Department. She testified further that she will be open until approximately 5:00 p.m. a couple of days per week. She anticipates a maximum of approximately 6 customers per day that she is open. Applicant testified that most of her sales are online. She plans to have one sign, approximately 2.5 by 2.5 feet. Further, she anticipates lighting on her home and on the outbuilding/shop. Applicant testified that she has spoken with her neighbors, and they do not object.

No further witnesses testified in favor or in opposition to the application.

Stephen J. O'Connor, Zoning Administrator, testified that the Planning Commission and the Office of Planning and Zoning recommended approval of the special exception for a period of two years.

Pursuant to Section 311 of the Ordinance, the Board finds as follows:

1. The special exception is not detrimental or an endangerment to the public health, safety, or general welfare. The proposed use is not of such a nature as to raise concerns regarding endangerment to 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, or substantially diminish or impair property values in the neighborhood. The business use does not create pollution in the form of noise or particulate matter. There is nothing in the nature of the proposed home occupation that would diminish or impair property values in the neighborhood.

3. The use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone. The Board does not find that the operation of a crafts sales business is an impediment to the preservation of the character of the area

or to the reasonable and orderly residential development permissible within the zone.

4. The proposed use will not overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. No evidence was presented to the Board establishing an additional burden to these services.

5. The continued use will not adversely affect critical natural areas or areas of ecological importance. The Property is not located in a Critical Area District.

6. The continued use will, in all other respects, conform to the applicable regulations of the zone in which it is located. The Board finds that this portion of the RM is commingled with business and residential use. Based upon the evidence presented, the Board finds that the operation of a business as contemplated by Applicants is not inconsistent with these neighboring uses.


7. The particular use proposed at the particular location proposed will not have any adverse effects above those inherently associated with such special exception use irrespective of its location in the zone. *Schultz v. Pritz*, 291, Md. 1 (1981). The Board finds that, because of the residential density of the zone and the nature of the activities undertaken in the area, the impact of Applicant's proposed use in this particular area of the RM zone is no different than the impact of the operation of a home occupation in other areas of the RM zone.

8. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets. No evidence was presented evincing issues related to traffic and parking.

9. The use is not contrary to the objectives of the Comprehensive Plan for the County. The special exception is presumptively valid and the Board finds nothing in the record to indicate that the proposed use is contrary to the objectives of the Comprehensive Plan.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311, of the Ordinance have been met and the application for a special exception under Section 79 is therefore **APPROVED** for a period of two years. [All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.]

6/27/17
Date


Mark Saunders, Chairperson

mailing address - PO Box 817 - Perryville, MD 21903 - *

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| BOARD OF APPEALS APPLICATION CECIL COUNTY, MARYLAND | MEET. MONTH: <u>May 2017</u> FILE NO. <u>3806</u> |
|---|--|

Received

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

MAR 29 2017

DATE FILED: 3/29/17
 AMOUNT PD: \$250.00
 ACCEPTED BY: JB 1001

Cecil County Office
of Planning & Zoning

A. APPLICANT INFORMATION

Jeannie Marie Slayman
 APPLICANT NAME - PLEASE PRINT CLEARLY

463 West Old Philadelphia Rd. Northeast, MD 21901
 ADDRESS CITY STATE ZIP CODE

Jeannie Marie Slayman 443-252-0479
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Jeannie Marie Slayman
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

463 West Old Philadelphia Road Northeast, MD 21901
 ADDRESS CITY STATE ZIP CODE

Jeannie Marie Slayman 443-252-0479
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

463 West Old Philadelphia Road 05 025168
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

0031 3 0211 .86 RM
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

separate sheet

To get a permit to have a small business at my home. Home occupation

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: ARTICLE SECTION 79, ART XVII, PART 931

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? _____ If yes, distance: _____

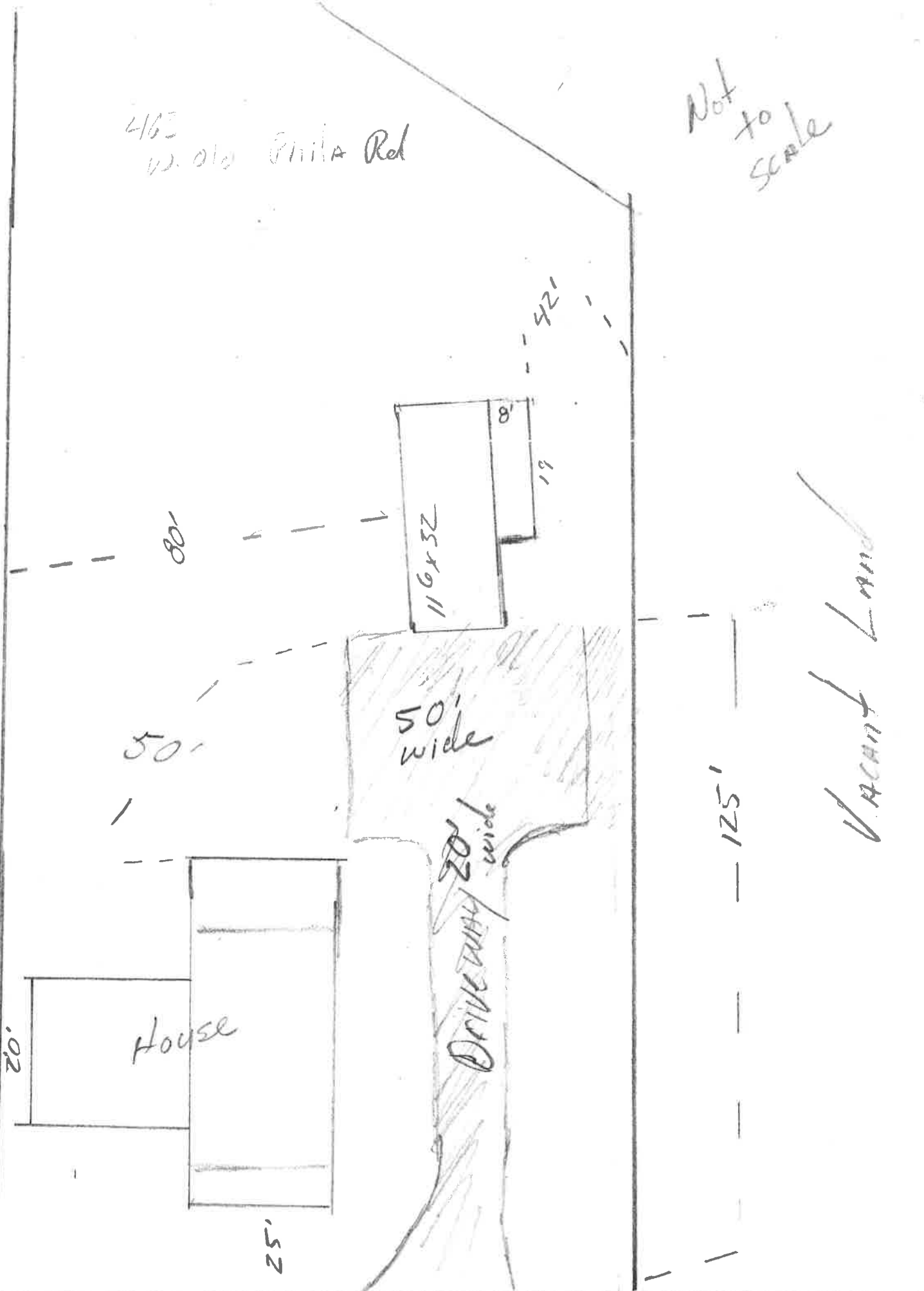
Will unit be visible from adjoining properties? _____ If yes, distance: _____

Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____

Number of units on property at present time: _____

463
W. Old Phila Rd

Not
to
scale



80'

116x32

8'
19'

42'

50'

50'
wide

Driveway 20'
wide

125'

Vacant Land

20'

House

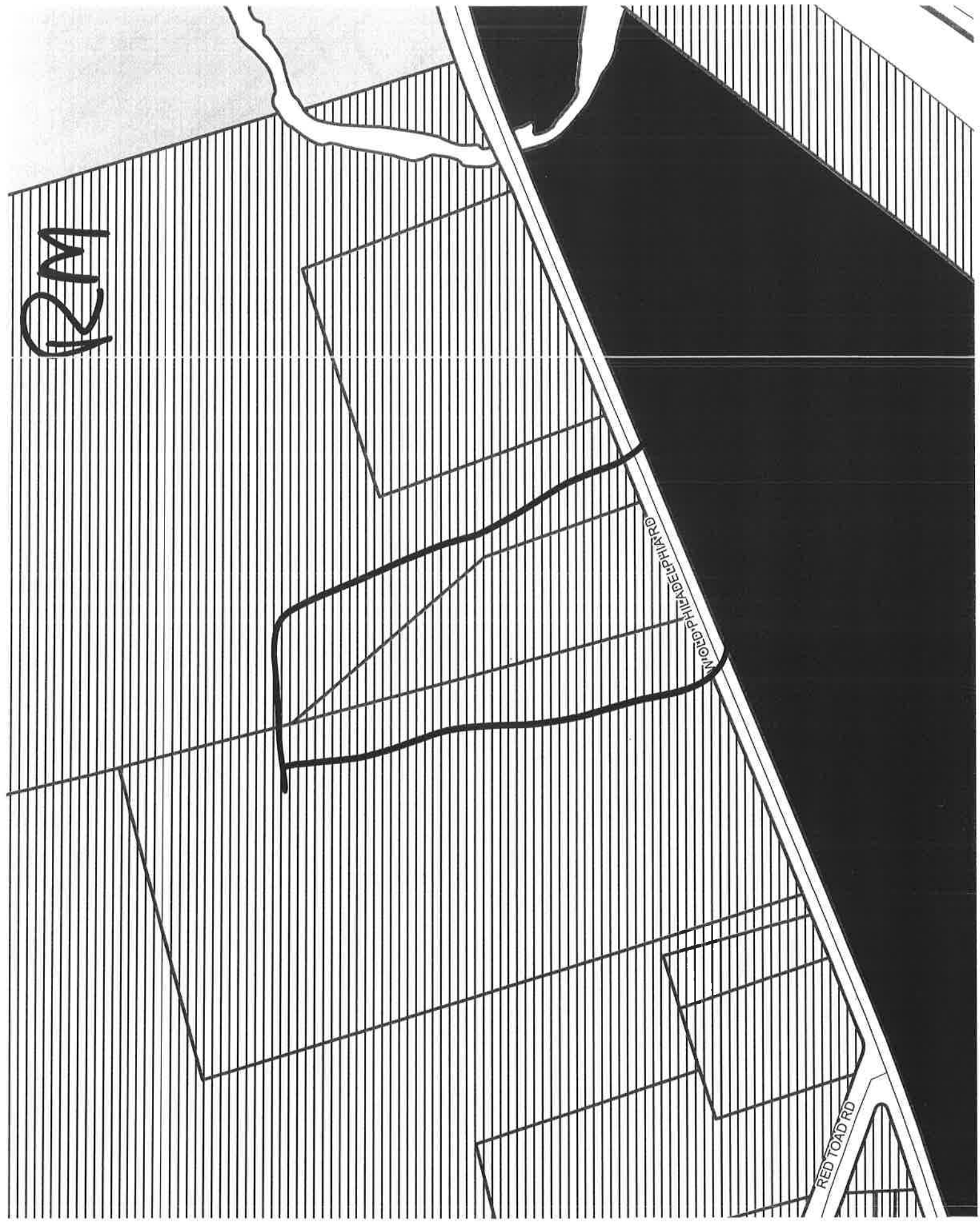
25'

RT 7

RM

WOLF HILADELPHIA RD

RED TOAD RD



File 3806!

Jeanne Slayman

M31 P211

P. 212

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P. 211

P. 210

P. 626

P. 209
P. 208

P. 704

P. 587

Subject Property

WOLD PHILADELPHIA RD

RED FOX RD

NORTHEAST ISLES DR

183

WORLDWIDE INC

56

