

IN THE MATTER OF
THE APPLICATION OF
CHARLES D. BLANFORD

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3718

(Special Exception – NAR)

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OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Charles D. Blanford (the “Applicant”). Applicant seeks a special exception to operate an in-home business on his property known as 107 Love Run Road, Colora, Maryland 21917, consisting of approximately 4.534 acres (the “Property”), located in the Sixth Election District, Tax Map 16, Parcel 52, said property currently being zoned Northern Agricultural Residential (NAR). In accordance with Article V, Part III, 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 property.
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.

In determining whether to grant an application for a Special Exception the Board must consider Article XVII, Part II, 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.

The Applicant appeared and testified that he wants to operate an in-home business at his property. He indicated that he has a lawn and garden business. He is a graduate of Rising Sun High School and a licensed arborist for the State of Maryland for approximately four (4) years. Counsel for the Applicant, Joseph J. Mahoney, Esq., offered a plat of the area and indicated that the Applicant is requesting the special exception in order to build a garage to house his work vehicles and equipment for his business. The Applicant indicated that he has a pick-up truck and three (3) business vehicles: a bucket truck and two (2) chip trucks, and he intends to expand to no more than four (4) work vehicles that will be stored in the garage he plans to build. Applicant offered as an exhibit a photograph of a garage similar to the one he plans to construct. Applicant represented that Faron Pyles, Land Surveyor, indicated that the Applicant could build up to a 5,000 square foot garage, which the Applicant indicated would hold all of his vehicles. The Applicant stated further that there would not be any advertising, goods for sale, or any process on the property that would be an issue for the residential properties in the area.

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

Clifford Houston of the Cecil County Department of Planning and Zoning testified that the Department and the Planning Commission recommended approval of the Applicant's special exception for an in-home occupation for a period of two (2) years.

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

1. The special exception is neither detrimental to nor an endangerment to the public health, safety, or general welfare, and the proposed use is on a property in an area suitable to the use.
2. The proposed use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor will the use substantially diminish or impair property

values in the neighborhood. There is nothing in the nature of the proposed in-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 in-home occupation of a garage for a lawn and garden 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.

5. The proposed 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 proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located. Based upon the evidence presented, the Board finds that the Applicant's proposed in-home occupation of a garage for a lawn and garden business is not inconsistent with 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 NAR zone is no different than the impact of the operation of such an in-home occupation in other areas of the NAR 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 proposed 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 the proposed special exception under Section 79 is therefore **APPROVED** for a period of two (2) years from the date of this Opinion. [All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.]

9/28/15
Date

David Willis
David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: June 2015
FILE NO. 3718

Received

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

MAY 03 2015
DATE FILED: 5/5/15
AMOUNT PD: \$250.00
ACCEPTED BY: JB

A. APPLICANT INFORMATION

Charles D. Blanford
 APPLICANT NAME - PLEASE PRINT CLEARLY
1783 Colora Road Colora MD 21917
 ADDRESS CITY STATE ZIP CODE
[Signature] 443-567-2139
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Marcia D. Eldreth
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
107 Love Run Rd, Colora MD 21917
 ADDRESS CITY STATE ZIP CODE
[Signature] 410-658-4473
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

107 Love Run Road, Colora 6 016529
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER (customers #)
16 5 06-016529 4 4.534 NAR
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

attached

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 ??

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: _____

Planning and Zoning, Cecil County, MD
Application for Special Exception/Reasons for
May 4, 2015

I am respectfully requesting a special exception in order to park my work equipment at the home of my mother, Marcia Eldreth, 107 Love Run Road, Colora, MD.

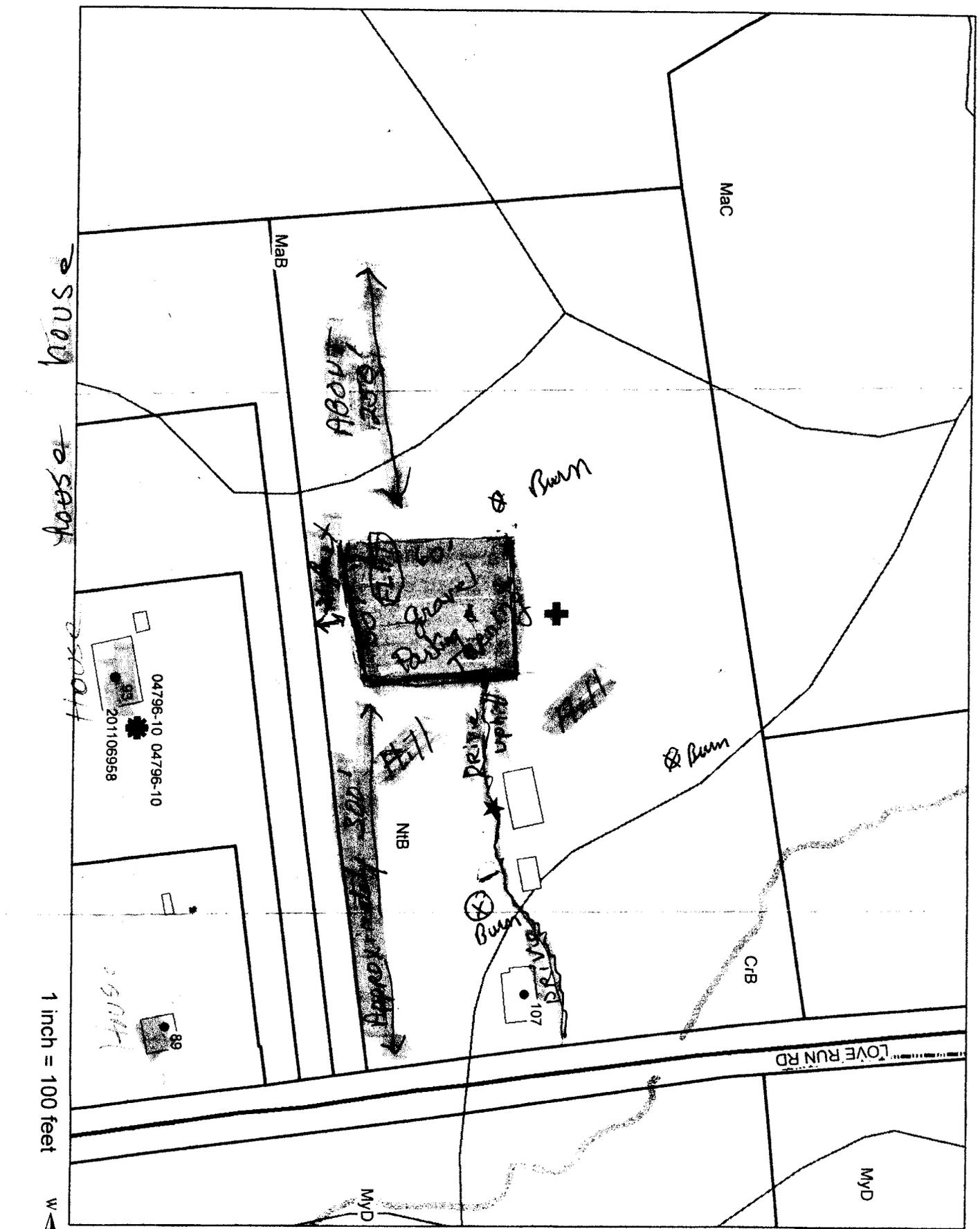
I understand there was a complaint filed. If the complaint was from an adjoining property I am somewhat perplexed because as far as I know they have not yet complained about two dump trucks and a semi behind their home. I told the neighbors I hope to build a house across from theirs. Perhaps that bothers one of them because my trucks have been parked there for some time without a complaint. I do apologize as I should have asked first. We all have gotten along well and enjoy our lives here in Colora. I did not know anyone was unhappy.

- I offer, if it would appease them, to put up a barrier of either trees or fencing. I hope, when money allows and with county approval, to put up a building to shelter/hide equipment.
- The noise is not any louder than a pick up truck.
- The closest houses are approximately 225-250 feet from my parking area.
- I do not do business on the premises. It is a tree expert service so we go to the client's property.
- The area is regularly cleaned up so to be orderly.
- I get peace of mind knowing the expensive equipment is parked in a low crime area.
- My crew has peace of mind that their private vehicles are safe while we are out working.
- The availability of safe, fenced in commercial areas on which to park are very expensive and a financial hardship in off season.
- My crew and myself, while on the premises, see things that need done and often helps my mother with weed eating, mulching and other things that are too hard for her to keep up with. We also plow her lane and that of the neighbors in snow so as to be an asset to her and others.
- I just want to live and let live using a portion allotted to me in life in a responsible, respectable manner in order to make a decent living, be an asset to society and raise my family.

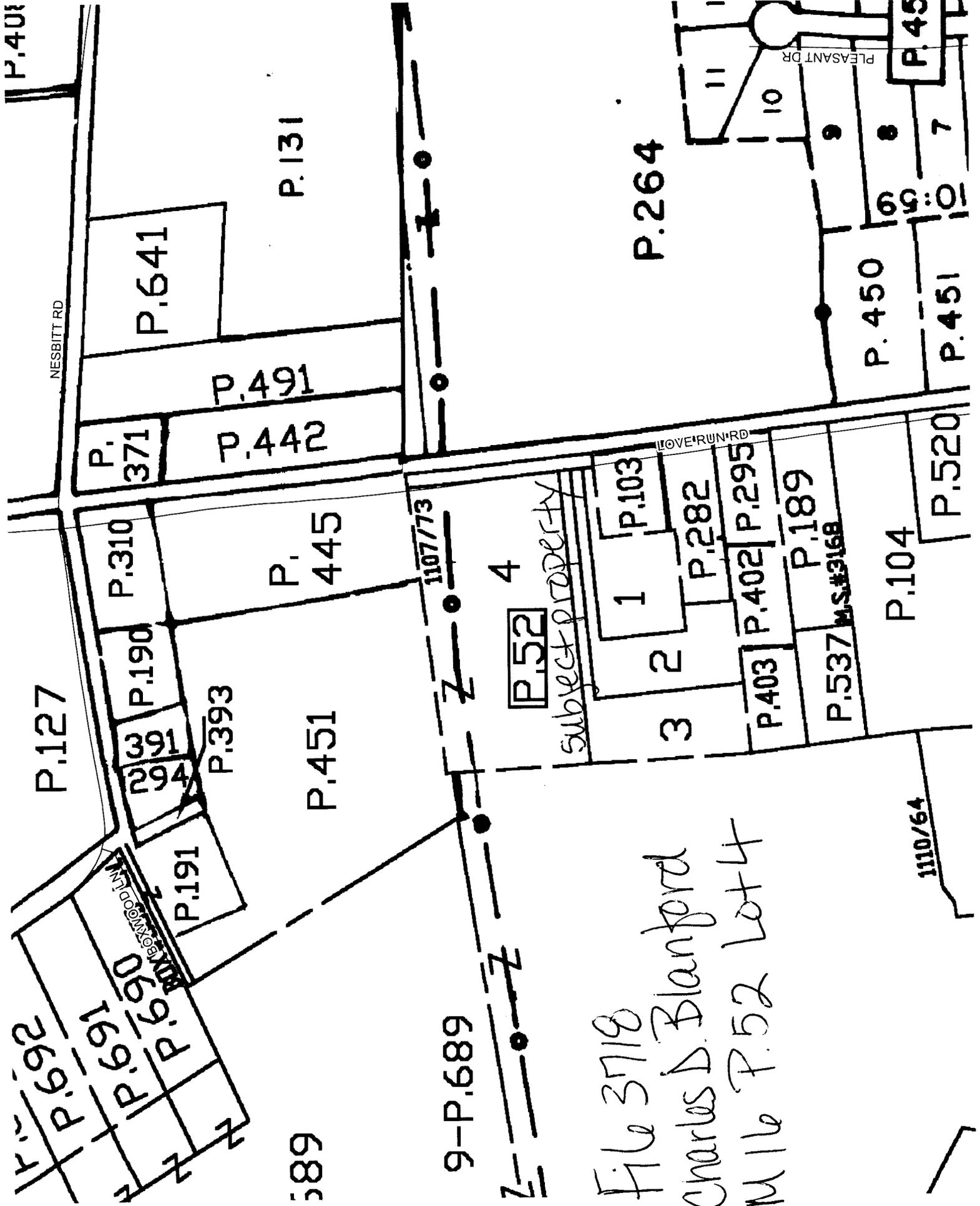
Thank you for your kind consideration.



Charles (Chas) D. Blanford
Blanford's Tree Service



Special Exception Request
Charles Blanford



File 3718
 Charles D. Blanford
 Mile P.52 Lot 4

9-P.689

1110/64

1107/73

LOVE RUN RD

NESBITT RD

PLEASANT DR

P.52
 SUBJECT PROPERTY

4

1 P.103

P.282

P.402 P.295

P.189

P.537 S.S.#3168

P.104

P.520

P.445

P.451

P.442

P.491

P.371

P.310

P.190

P.391

P.394

P.393

P.191

P.127

P.641

P.131

P.264

P.450

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