

IN THE MATTER OF
THE APPLICATION OF
BEVERLY S. PORTEUS

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 3725

(Variance)

* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Beverly S. Porteus (the “Applicant”). Applicant seeks a variance for a six foot (6’) side yard setback for construction purposes at property located at 27 Woods Way, Elkton, Maryland 21921, designated as Parcel 731 on Tax Map 25, Lot 104, in the Fifth Election District of Cecil County (the “Property”). The Property is in an area zoned Manufactured Home (“MH”) and is owned by Beverly S. Porteus.

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.

The Applicant appeared on behalf of her request and testified that she was seeking the variance to provide an area where her husband can access sunlight. She testified that her husband is diagnosed with Multiple System Atrophy (MSA), which is a degenerative neurological disease and they have retired to Cecil Woods. She stated that he does not get out much and needs some means to getting sunlight, which is why she is proposing to build a sun porch. The sunporch would be the same width as the porch is now and that a variance for the porch was granted to her years ago. She testified that the home on the adjoining property is eleven feet (11') from their joint property line, that the home has no windows on the side facing her home, and that there is approximately fifteen feet (15') between her neighbor's house and the proposed sun porch. In response to questioning from the Board, she stated that her existing deck would be connected to the proposed sun porch with a door.

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 additional construction, because of the way the existing structure is situated on the lot, the Applicant is unable to construct the modifications to it 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 lay of the land, the position of the existing structure, and the property lines, Applicant is unable to construct the modifications 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 modifications to existing structures in the manner proposed by the 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**.

[All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.]

8/29/15
Date

James A. Edler
~~David Willis, Chairperson~~
Acting Chair

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: July 20 15
 FILE NO. 3725

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

Received
 JUN 17 2015

DATE FILED: 6/17/15
 AMOUNT PD: \$200.00
 ACCEPTED BY: JB *CK# 25588*

A. APPLICANT INFORMATION

Beverly S. Porteus *Cecil County Office of Planning & Zoning*
 APPLICANT NAME - PLEASE PRINT CLEARLY
27 Woods Way ELKTON MD. 21921
 ADDRESS CITY STATE ZIP CODE
Beverly S Porteus (410)392-5773
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Cecil Woods PARTNERS LLC
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
1801 W Palaski Highway ELKTON MD 21921
 ADDRESS CITY STATE ZIP CODE
[Signature]
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

27 Woods Way
 PROPERTY ADDRESS
25 24 731 104 .10 MH
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE
05 089943
 ELECTION DIST. ACCT. NUMBER

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

*Chris Porteus
 Exception to
 Side Lot Setback
 (6' side yard setback variance)*

Resident of manufactured home is not able to get out very much - uses a wheelchair. He has a somewhat rare disease condition called MULTIPLE SYSTEMS ATROPHY. We wish to improve his quality of life by having him get sun all year round - he get almost none present, and we want him to be safe + locked in as well.

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 DESIGNINATION

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

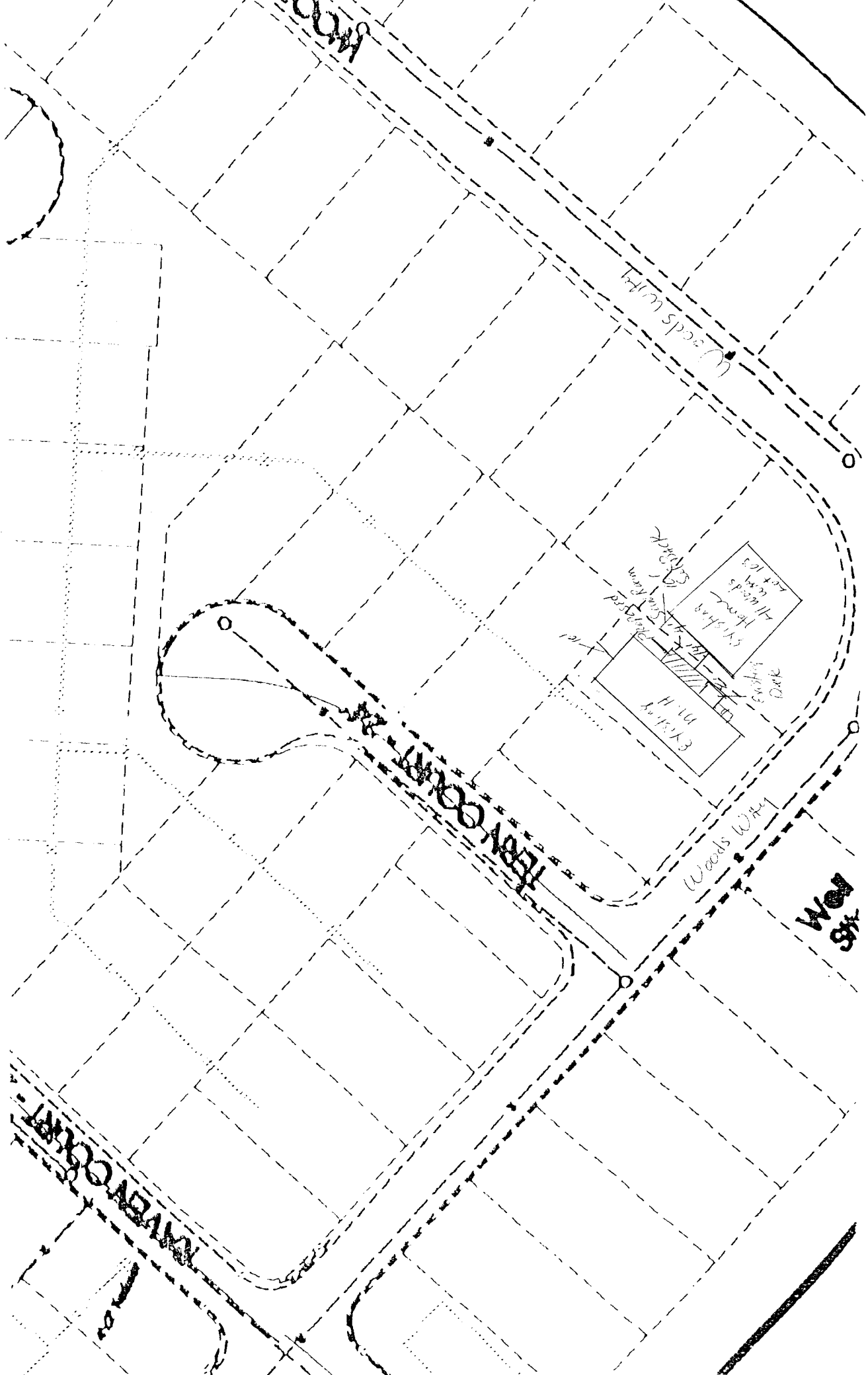
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: Section 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: _____



Woods Way

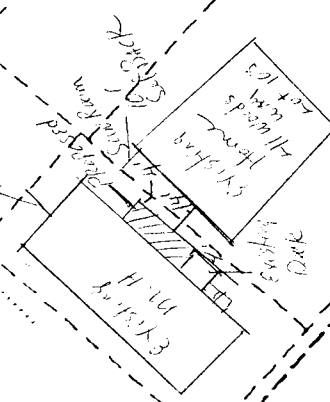
Woods Way

Woods Way

Woods Way

Woods Way

Woods Way



File 3725
Beverly S. Porteus
M 25 P731 Lot 104

