

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
JOHN R. HARRISON	*	CASE NO.: 3740
	*	
(Variance –Light Industrial, M1)	*	
	*	
* * * * * *	*	* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of John R. Harrison (the “Applicant”). Applicant seeks a setback variance from the property lines for installation of a distribution propane tank on property owned by E & G, LLC located at 895 Nottingham Road, Elkton, MD 21921, designated as Parcel 608 on Tax Map 26 in the Third Election District of Cecil County (the “Property”), in an area zoned Light Industrial M1 (“M1”).

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 seeks a setback variance to permit installation of a propane distribution tank on the Property. Applicant provided the Board with a packet which was designated Exhibit 1. Exhibit 1 contained a letter from the owner of the property that surrounded the subject Property. Exhibit 1 additionally included an aerial view of the Property.

There were no questions from the Board. No witnesses testified in favor of or in opposition to the application.

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. The Ordinance requires a setback of 300 feet, but given the layout of the Property, Applicant is unable to achieve this.

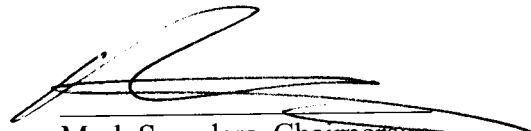
2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in the same zone. Due to the position of the Property in relation to adjacent properties as well as existing structures on the Property, Applicant cannot place a propane distribution tank on the Property while maintaining the required setback.

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 would be able to place a propane distribution tank on 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 allowing a 300' setback variance for the installation of a propane distribution tank. [All applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.]

11/24/15
Date


Mark Saunders, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

Received

MEET. MONTH: 09 2015
FILE NO. 3190

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

9/17/15
Cecil County Office
of Planning & Zoning

DATE FILED: 9/17/15
AMOUNT PD: \$200.00
ACCEPTED BY: JB

A. APPLICANT INFORMATION

John R. Harrison
APPLICANT NAME - PLEASE PRINT CLEARLY
895 Nottingham Rd. Elkton Md. 21921
ADDRESS CITY STATE ZIP CODE
John Harrison 410 392 2822
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

John R Harrison / E & B LLC
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
895 Nottingham Elkton MD 21921
ADDRESS CITY STATE ZIP CODE
John Harrison Same
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

895 Nottingham 03 093867
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
26 15 408 5 M-1
TAX MAP# BLOCK PARCEL LOT# #ACRES ZONE

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

Neighboring property agrees to a 50' set back
Other tanks in County have 50' set backs
Variance - 250' property line setback variance for installation of a distribution
propane tank.

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 _____ 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 148

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: _____

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M 26 P 608

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