

IN THE MATTER OF  
THE APPLICATION OF  
CHRIS KENDALL

\* BEFORE THE CECIL COUNTY  
\* BOARD OF APPEALS  
\* CASE NO.: 3741

(Special Exception – NAR)

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**OPINION**

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Chris Kendall (the “Applicant”). Applicant seeks to renew a special exception to operate a sawmill for sawing reclaimed logs into lumber on property owned by the Applicant located at 361 Leeds Road, Elkton, Maryland 21921, designated as Parcel 118 on Tax Map 20 in the Third Election District of Cecil County (the “Property”), in an area zoned Northern Agricultural-Residential (“NAR”) in accordance with Article V, Part XII, Section 144 of the Cecil County Zoning Ordinance (the “Ordinance”).

Section 144 of the Ordinance provides:

1. Sawmills may be permitted as a Special Exception in the NAR and SAR zones provided:
2. No saw or other machinery shall be less than 300 feet from any lot or street line.
3. All power saws and machinery shall be secured against tampering or locked when not in use.
4. Such a use shall be for a period of three years only, subject to renewal.
5. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

6. 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 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.

The Applicant testified that there have been no changes to the operation of the sawmill and that he has not received any complaints regarding its operation. The Applicant presented three letters to the Board marked Exhibits 1, 2, and 3, respectively. These letters were written by neighboring property owners who supported the Application. The Applicant testified that his initial Application for a Special Exception only provided a three-year approval.

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 Office of Planning and Zoning recommended approval of the Special Exception for a three-year period. The Planning Commission recommended approval of the renewal of the special exception for as long as the Applicant operates the business and owns the property.

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 on a Property in an area where residential and business uses are commingled.
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, light, 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 sawmill 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. The Board heard no evidence that said use contributes to an increased burden upon public facilities or municipal 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. Based upon the evidence presented, the Board finds that the operation of a sawmill as contemplated by the Applicant 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. Pritts*, 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 a sawmill 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 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 renewal of the special exception under Section 144 is therefore **APPROVED** for a period of three (3) 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.]

12/29/15  
Date

  
Mark Saunders, Chairperson

**BOARD OF APPEALS APPLICATION**  
**CECIL COUNTY, MARYLAND**

MEET. MONTH: Oct  
FILE NO. 2020 3741

Received

**THIS REQUEST IS FOR:**

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

12 2015

DATE FILED: 9/29/15  
AMOUNT PD: 250  
ACCEPTED BY: \_\_\_\_\_

**A. APPLICANT INFORMATION**

Chris Kendall  
APPLICANT NAME - PLEASE PRINT CLEARLY

361 Leeds Rd Elkton MD 21921  
ADDRESS CITY STATE ZIP CODE

Chris Kendall 443-350-9377  
APPLICANT SIGNATURE PHONE NUMBER

Cecil County Office  
of Planning & Zoning

**B. PROPERTY OWNER INFORMATION**

same as above  
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

ADDRESS CITY STATE ZIP CODE

PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

361 Leeds Rd 03 018199  
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

20 H 118 61.546 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)

Renewal of sawmill special Exception  
for sawing reclaimed logs into lumber

**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 144**

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 3622  
3168, 3444,

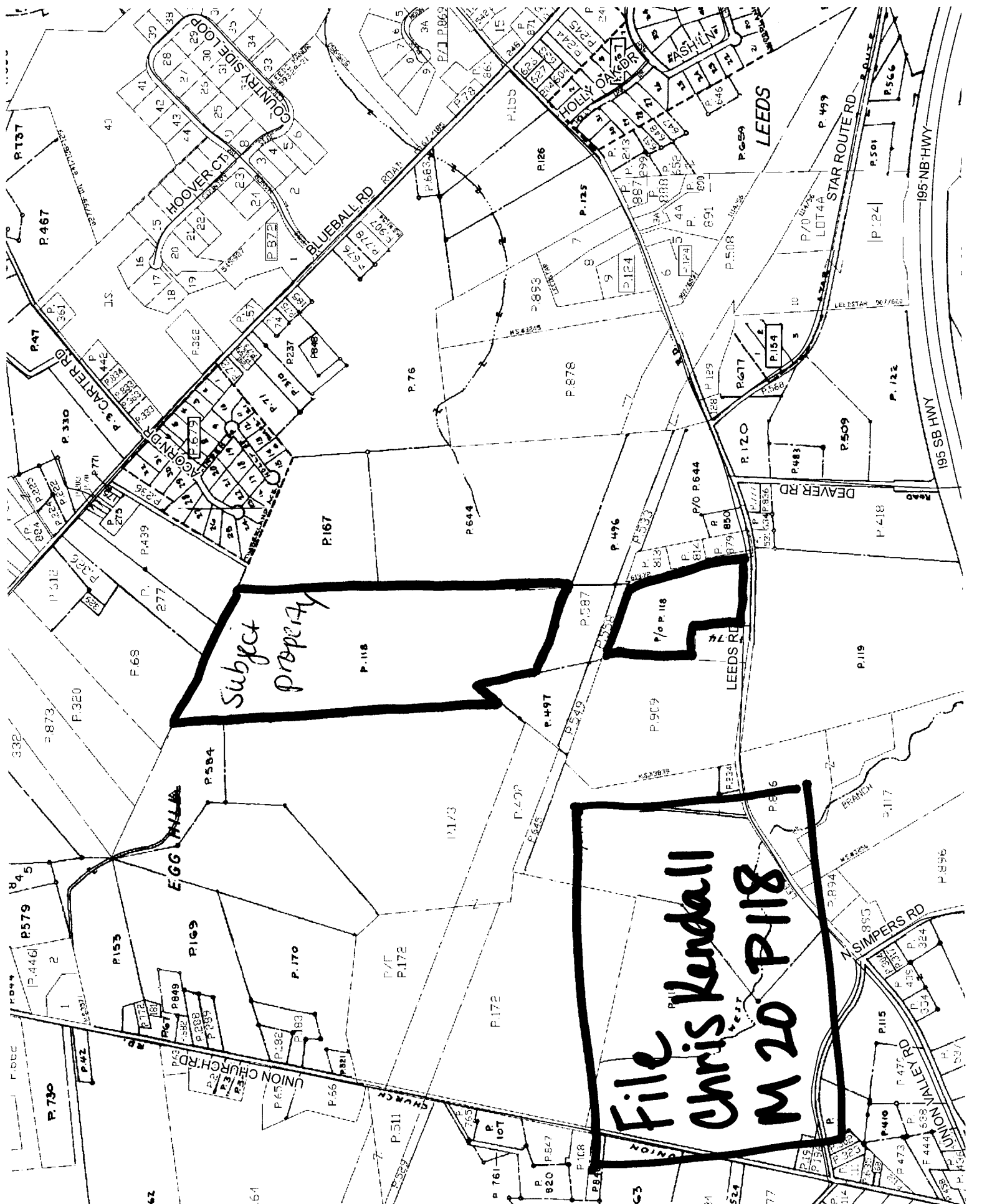
**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

Will unit be visible from the road? N/A If yes, distance: \_\_\_\_\_

Will unit be visible from adjoining properties? N/A If yes, distance: \_\_\_\_\_

Distance to nearest manufactured home: N/A Size/Model/Year of Unit: \_\_\_\_\_

Number of units on property at present time: \_\_\_\_\_



Subject Property

File  
Chris Kendall  
M 20 P118