

IN THE MATTER OF  
THE APPLICATION OF  
LEROY E. SPONAUGLE, III  
  
(Variance –Low Density Residential)

\* BEFORE THE CECIL COUNTY  
\* BOARD OF APPEALS  
\* CASE NO.: 3743  
\*  
\*

\* \* \* \* \*

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Leroy E. Sponaugle, III (the “Applicant”). Applicant seeks a setback variance from the property lines for construction of a garage on property owned by the Applicant located at 15 Naylor Blue Court, Port Deposit, Maryland 21904, designated as Parcel 695 on Tax Map 23 in the Seventh Election District of Cecil County (the “Property”), in an area zoned Low Density Residential (“LDR”).

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 construction of a garage on the Property. The Applicant provided the Board with a diagram showing the proposed location of the new garage measuring 24' x 32'. The Applicant additionally provided a letter from his next-door neighbors, Bradley and Jaime Ruprecht, in support of the Application.

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 10 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 garage 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 would be able to place a garage 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 7' setback variance for the installation of a garage. [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: NOV 2015  
 FILE NO. 3743

Received

**THIS REQUEST IS FOR:**

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

NOV 13 2015

DATE FILED: 10/13/15  
 AMOUNT PD: \$200.00  
 ACCEPTED BY: JES C/CH 5241

Cecil County  
 of Planning

**A. APPLICANT INFORMATION**

Leroy Edward Sponaugle III  
 APPLICANT NAME - PLEASE PRINT CLEARLY  
15 Naylor Blue Ct. Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
L. E. Sponaugle III 410-378-2533  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Leroy Edward Sponaugle III  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
15 Naylor Blue Ct. Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
L. E. Sponaugle III 410-378-2533  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

15 Naylor Blue Ct. 07-1 051956  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
23 13 0695 2 0.80 LDR  
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

I would like to build a garage on my property. Building it 10 feet from the side property line will put it 7 feet behind my house. My neighbors, the Ruprechts, are in support of the variance. Letter attached. (7' side yard setback variance)

**E. On an attached sheet, PLEASE submit a sketch of 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.

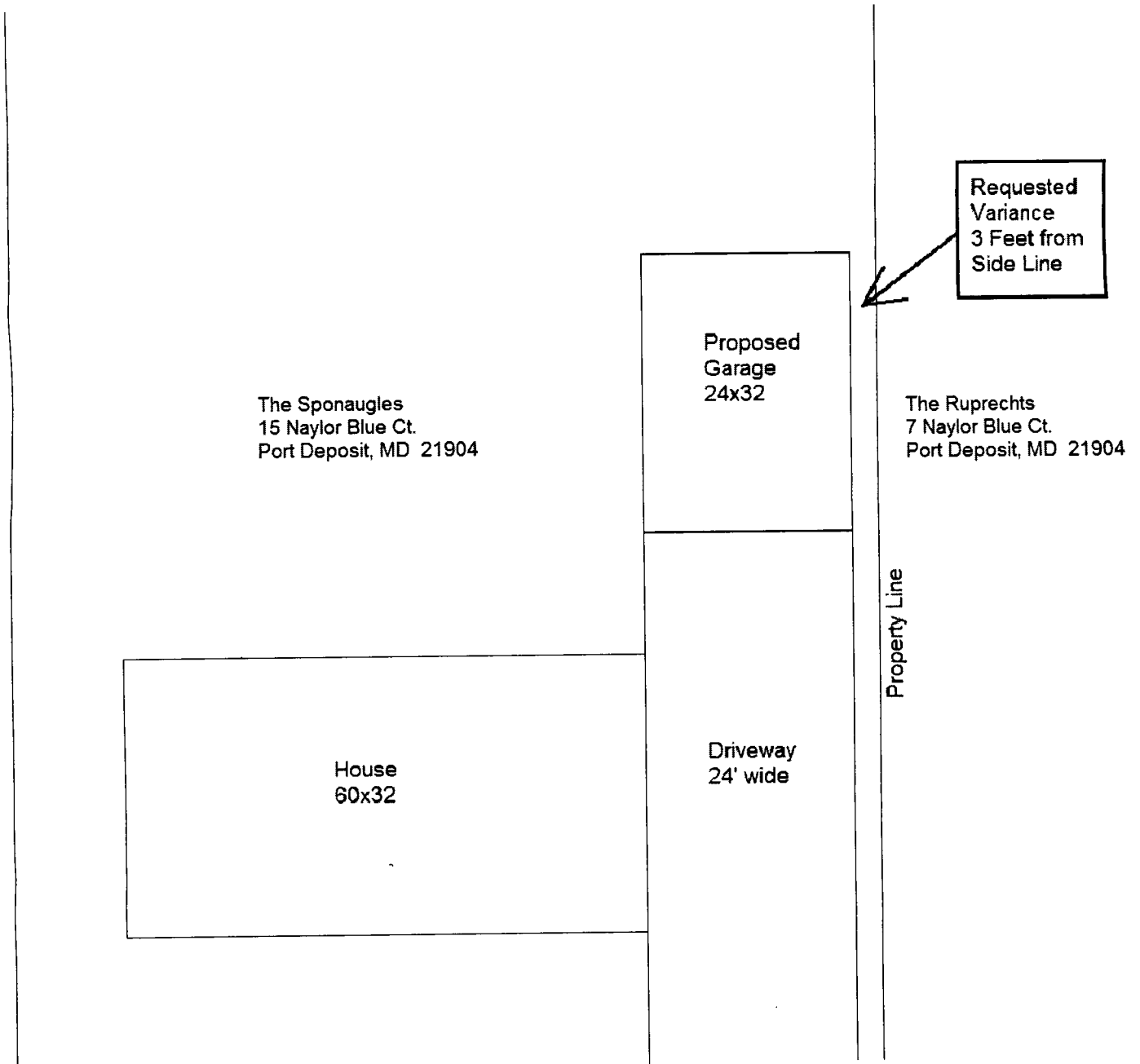
**G. PROVISION OF ZONING ORDINANCE:** Building 10 feet from side line. Section 306

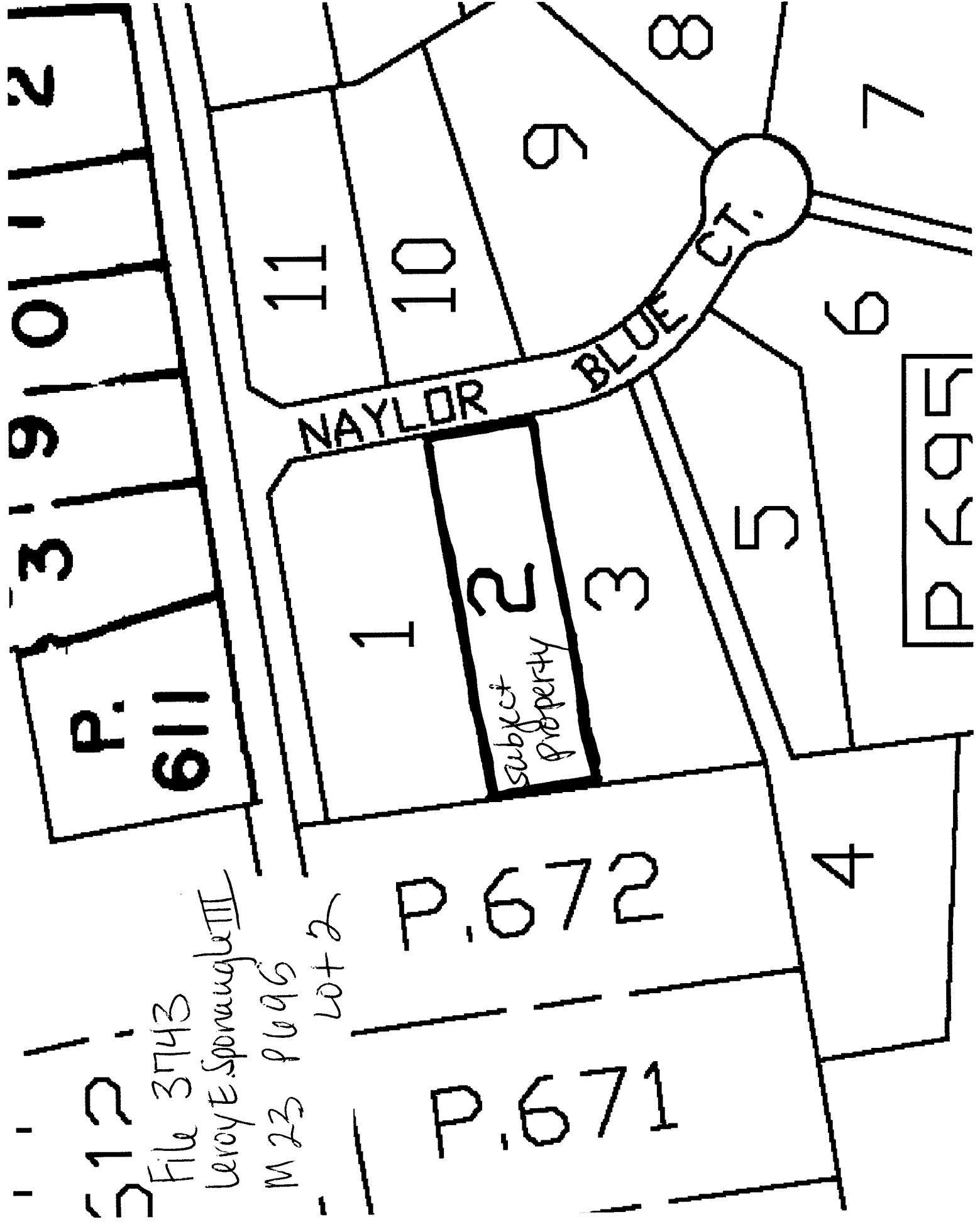
**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: N/A

**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: \_\_\_\_\_

Variance Request Diagram  
Board Of Appeals Application  
Cecil County, Maryland  
Applicant: Leroy Sponaugle





S12

File 3743

Leroy E. Spanglet III

M 23 P 696

lot 2

P. 672

P. 671