

CECIL COUNTY PLANNING COMMISSION MEETING

Wednesday, January 18, 2012

7:00 p.m.

County Administration Building

200 Chesapeake Blvd. Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in January 2012.

PLANNING COMMISSION MEETING

February 22, 2012

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wallace, Wiggins, Miners, McDowell, (Alternate), Broomell, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: Yust.

APPROVAL OF MINUTES – Motion made by McDowell, seconded by Wiggins and unanimously carried to approve the Monday, December 19, 2011, no January P.C. meeting, 7:00 p.m. minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3579 - APPLICANT: Christine T. Robbins.

FOR: Special Exception for a home occupation to operate an internet retail business.

PROPERTY LOCATION: 44 Pine Cone Drive, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 775, Lot: 42.

PROPERTY OWNER: Alan M. and Christine T. Robbins.

PRESENTLY ZONED: Suburban Transition Residential, (ST).

Christine Robbins, 44 Pine Cone Drive, North East, MD stated her husband and herself would like to operate a retail internet business. Ms. Robbins would like to get an internet site XC.com, which is an internet site for crafters. Ms Robbins needs approval for a special exception to get her Traders License with the state of Maryland. Her husband and herself will be assembling and selling Christmas ornaments. Ms. Robbins stated she would have one or two employee's that are disabled. No one will be coming into her home; everything will be handled by mail.

Health Department Report – Property is served by public sewer with on-site well. Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN SUPPORT: None.

FILE: 3580 - APPLICANT: Extreme Dream Bed & Breakfast, c/o Renee S. Luther.

FOR: Special Exception renewal to operate a Bed & Breakfast.

PROPERTY LOCATION: 33 Rolling Hills Ranch Lane, Port Deposit, MD 21904, Election District: 7, Tax Map: 22, Parcel: 9.

PROPERTY OWNER: Renee S. Luther.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Karl Fockler, Esquire, 205 East Main Street, Elkton, MD represented Ms. Luther in this renewal for a Bed and Breakfast. Mr. Fockler stated Ms. Luther has been operating this Bed and Breakfast for the last two (2) years with no complaints or problems. The house has four bedrooms with the use of three bedrooms for the guests. This Bed and Breakfast has no negative impact to the area and meets all the necessary requirements. This lot consists of 62 acres and there is adequate parking for the guests.

Health Department Report – The Health Department previously approved permit #201004829 for this project and has no objection to renewal of the Special Exception.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

FILE: 3581 - APPLICANT: Thomas J. Quinn, IV.
FOR: Special Exception to construct a guest house.
PROPERTY LOCATION: 544 Doctor Miller Road, Elkton, MD 21921, Election District: 9, Tax Map: 12, Parcel: 17, Lot: 1.
PROPERTY OWNER: Thomas J. & Lisa A. Quinn.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN.

FILE: 3582 - APPLICANT: Cellco Partnership d/b/a Verizon Wireless.
FOR: Special Exception to construct a cellular communications monopole.
PROPERTY LOCATION: 3272/3280 Augustine Herman Highway, Chesapeake City, MD 21915, Election District: 2, Tax Map: 48, Parcel: 88.
PROPERTY OWNER: Cecil County S.P.C.A.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

John Tracey, Esquire, representing Young, Conaway, Stargatt and Taylor on behalf of the applicants along with Brock Ripple, RF Engineer, Ken Farrall, Civil Engineer and Pam Bursler, Real Estate appraisal expert. The application is for a 150' tall monopole, located on the property that is zoned Southern Agricultural Residential, (SAR). The property is the home for the Cecil County S.P.C.A. and there are existing structures on the property; animal hospital and an animal grooming operation. The site is 12.2 acres and the monopole will be situated toward the middle of the property adjacent to a storm water management facility. There will be a separate access for maintenance of the monopole and will adhere to all setback regulations.

Mr. Ripple, design expert presented the maps showing the search ring and cell coverage areas. There is presently a three (3) to four (4) mile gap along Rt. 213 and Verizon would like to install a communications monopole tower to cover calls in this gap.

Ms. Broomell, (Ex-Officio) mentioned this will be along the Scenic Byway. Is this the best area to put a monopole tower?

Mr. Ripple stated it is in the middle of the search ring and meets all the requirements for the FCC.

Health Department Report – The Health Department has no objection to this proposal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3584 - APPLICANT: Dianna Brooks.

FOR: Special Exception to operate a commercial kennel.

PROPERTY LOCATION: 222 Conowingo Road, Conowingo, MD 21918, Election District: 8,
Tax Map: 16, Parcel: 542.

PROPERTY OWNER: Alisha Brooks.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dianna Brooks, 222 Conowingo Road, Conowingo, MD stated she raises Golden Retriever dogs. The Veterinarian Ms. Brooks uses made mention to renew her kennel license she needed a special exception to be able to sell puppies. The traffic is minimal, since all her sale of puppies is by appointment only. There is no boarding of dogs at her kennel.

Health Department Report – Plans must be submitted for waste disposal; see Health Department.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

GENERAL DISCUSSION: None.

RECOMMENDATIONS:

APPLICANT: Christine T. Robbins.

FOR: Special Exception for a home occupation to operate an internet retail business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by McDowell.

VOTE: All in favor, motion carried.

APPLICANT: Extreme Dream Bed & Breakfast, c/o Renee S. Luther.

FOR: Special Exception renewal to operate a Bed and Breakfast.

Staff recommended approval for as long as Renee Luther owns the property and operates the Bed and Breakfast.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Miners.

VOTE: All in favor, motion carried.

APPLICANT: Thomas J. Quinn, IV.

FOR: Special Exception to construct a guest house.

Withdrawn.

APPLICANT: Cellco Partnership d/b/a Verizon Wireless.

FOR: Special Exception to construct a cellular communications monopole.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Miners.

VOTE: All in favor, motion carried.

APPLICANT: Dianna Brooks.

FOR: Special Exception to operate a commercial kennel.

Staff recommended approval for two (2) years with adherence to items in Section 66 of the Zoning Ordinance.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Doordan.

VOTE: All in favor, motion carried.

Meeting was adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 19, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

March 19, 2012

7:00 p.m.

PRESENT: Mortimer (Chairman), Doordan, Wallace, Yust, Miners, Wiggins, Broomell, (Ex-) Officio), Houston and Dempsey.

ABSENT: McDowell, (Alternate) and Sennstrom, (Director).

MINUTES- Motion made by Doordan, seconded by Wallace and unanimously carried to approve the Wednesday, February 22, 2012, 7:00 p.m., minutes as mailed.

Cliff Houston, Zoning Administrator announced that File # 3586- Jennifer Ewing has been withdrawn.

REZONING:

FILE:2012-01APPLICANT: Gary Newswanger.

PROPERTY LOCATION: 1100 Carpenters Point Road, Perryville, MD 21903.

ELECTION DISTRICT: 5, TAX MAP: 35, PARCEL: 526.

PRESENTLY ZONED: Low Density Residential, (LDR).

REQUEST: Request to rezone 2.7 Acres from Low Density Residential, (LDR) to Business General, (BG).

PROPERTY OWNERS: Gary Newswanger and Ginger S. Reynolds.

Harlan Williams, 5800 Telegraph Road, Elkton, MD representing Gary Newswanger, 5031 Middlesmoor Ct, Ellicott City, MD and Ginger Reynolds, 89 Heisler Ave., North East, MD in this request to rezone 2.7 Acres from Low Density Residential, (LDR) to Business General, (BG). This 50' x 100' building has been used as boat storage for forty, (40) years built by Mr. Newswanger's father, (deceased 2010), inherited by Gary Newswanger, (son) and Ginger Reynolds, (daughter). This property is on public record under the State Assessments Office having been billed for taxes under a commercial rate for forty, (40) years. Mr. Williams stated the son and daughter would like to list this property for sale including the boat storage building. This property was incorrectly zoned in the last three Comprehensive Rezoning, (1978, 1993 and 2011).

Diana Broomell, (Ex-Officio) asked if this property could be a "grandfathered" situation.

Cliff Houston, Zoning Administrator stated the property is already "grandfathered".

Health Department Report – The property is in an area served by public water and sewage. Any proposed changes in use on the property would require conformation of adequate water and sewer allocations.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Joseph Carabetta, 1611 Carpenters Point Road, Perryville, MD stated this property has been non-conforming use and he continues to support non-conforming use. There is no sewer or water on this property and the property is in the wetlands. This area is a peaceful waterfront community and if the zoning is changed to Business General, (BG) it will change the character of the area. Mr. Carabetta feels this is the wrong place to have Business General, (BG) zoning, he supports non-conforming use only.

Diana Carabetta, 1611 Carpenters Point Road, Perryville, MD stated she also supports non-conforming use only. Ms. Carabetta feels if this rezoning is approved, it will change the character of the area.

Rex Johnson, 1577 Carpenters Point Road, Perryville, MD stated this is a quiet area and is not in support of this rezoning to Business General, (BG).

John Goff, 42 Carpenters Point Road, Perryville, MD is opposed to this rezoning.

Cliff Houston stated the Planning and Zoning Office received correspondence from the Critical Area Commission regarding this application, letter attached and in file for reference.

SPECIAL EXCEPTIONS:

FILE: 3586 - APPLICANT: Jennifer R. Ewing.

FOR: Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 1540 Jacob Tome Highway, Port Deposit, MD 21904, Election District: 6, Tax Map: 17, Parcel: 586.

PROPERTY OWNER: Greg & Jennifer R. Ewing.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN.

FILE: 3587 - APPLICANT: Heather P. Hill.

FOR: Special Exception for a home occupation to provide design services.

PROPERTY LOCATION: 563 Leeds Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 124, Lot:9.

PROPERTY OWNER: Frederick G. & Heather P. Hill, Jr.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Heather Hill, 563 Leeds Road, Elkton, MD would like to provide design services out of her home, offering interior design, professional design and floral design to customers, advertising would be done over the internet. Ms. Hill stated she would be going to the customer's home for services; no one would be coming to her home. There is plenty of room for parking on her property with turn around capability.

Health Department Report- Permit G0115 was issued in 2001 for a dwelling. The onsite well and septic system are adequate for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3589 - APPLICANT: Mara Raskin.

FOR: Special Exception for a home occupation to operate a yoga/pilates studio.

PROPERTY LOCATION: 67 Poplar Hill Lane, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 361.

PROPERTY OWNER: Dennis C. Wilson & Richard B. Gamble.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mara Raskin, 5 Aldrich Way, Wilmington, DE stated 67 Poplar Hill Lane, Elkton, MD is for sale, formerly used as a Bed and Breakfast. Ms. Raskin would like to purchase this property for the use of a yoga/pilates studio. The sale is contingent on approval of the special exception. There is five (5) acres with this residence and

ample room for parking. Ms. Raskin will have one (1) hour classes with no more than eight (8) clients a day. Classes would be in the daytime hours while her children are in school and Saturday morning classes.

Health Department Report – Submit a written proposal including number of students, classes per day, etc. to the Health Department to determine water and sewage requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Judge Harry Goodrich, 88 Poplar Hill Lane, Elkton, MD stated he is an adjoining property owner, living at his residence for thirty, (30) years. For the record, Judge Goodrich reported the Bed and Breakfast had not been in operation for a long time. Judge Goodrich feels the adjoining property owners are lacking information on the yoga/pilates studio. There is a concern about the shared driveway that Ms. Raskin will be using to see her clients. More information needed about Ms. Raskin's business.

Robert Landgrebe, 89 Poplar Hill Lane, Elkton, MD feels that more information needs to be presented to the adjoining property owners. There are five (5) families that share this 50' private gravel lane and parking will be a problem. Mr. Landgrebe moved to this area because of the beauty in the area and he questions whether this house will be maintained as well as it was as a Bed and Breakfast.

FILE: 3590 - APPLICANT: Darlene R. & Patrick D. Fowler, Jr.
FOR: Special Exception for a home occupation to operate a dog training facility.
PROPERTY LOCATION: 537 North Walnut Street, Rising Sun, MD 21911, Election District: 6,
Tax Map: 10, Parcel: 793.
PROPERTY OWNER: Darlene R. & Patrick D. Fowler, Jr.
PRESENTLY ZONED: Suburban Transition Residential, (ST).

Darlene and Patrick Fowler, 537 North Walnut Street, Rising Sun, MD would like to operate a dog training facility at their home. Curt McCardell, Code Compliance Inspector had a complaint because the Fowler's did not have a special exception to operate a kennel. The Fowler's want to make it legal since they have been cited. Ms. Fowler does pre-training for adoption and rescue dogs. No dogs will be staying over night. Ms. Fowler has been training dogs for four (4) years, one on one. She only has two (2) to four (4) clients a week; training is performed outside in an area 70' x 120'.

Health Department Report – Submit a written proposal to the Health Department specifying how dog waste will be controlled.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Joyce Gardner, 527 North Walnut Street, Elkton, MD stated she lives directly adjacent to the Fowler's. The Fowler's have a history of violation issues such as chickens, goats, pot belly pigs and two (2) miniature horses. This property is not zoned to have horses. There was a structure built on the fence line between the properties. Ms. Gardner's driveway is against the Fowlers yard and it is a nuisance with the dogs. There was a privacy screen between both yards and since the complaint; the Fowler's took it down. On February 26, 2012, there was a posting of a grand opening sign in their yard. The Fowler's are habitual violators and a commercial kennel is prohibited in this particular zoning and should not be allowed.

RECOMMENDATIONS:

APPLICANT: Gary Newswanger.
FOR: Request to rezone 2.7 Acres from Low Density Residential, (LDR) to Business General, (BG).

Staff recommended approval, due to a mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to disapprove, better use of land to remain as a nonconforming use by Miners, seconded by Yust.

VOTE: Four (4) to one (1) to disapprove, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Jennifer R. Ewing.

FOR: Special Exception for a home occupation to operate a hair salon.

Withdrawn.

APPLICANT: Heather P. Hill.

FOR: Special Exception for a home occupation to provide design services.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by Miners.

VOTE: All in favor, motion carried.

APPLICANT: Mara Raskin.

FOR: Special Exception for a home occupation to operate a yoga/pilates studio.

Staff recommended approval for two (2) years for yoga/pilates only, contingent upon sale of the property to Mara Raskin.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Darlene R. & Patrick D. Fowler, Jr.

FOR: Special Exception for a home occupation to operate a dog training facility.

Staff recommended approval for two (2) years for dog training only, no boarding, breeding or sale of dogs.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Yust.

VOTE: Three (3) to two (2) to approve, motion carried.

The meeting adjourned at 8:20 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 16, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

April 16, 2012

7:00 p.m.

PRESENT: Mortimer (Chairman), Wallace, Wiggins, Yust, Miners, McDowell, (Alternate), Broomell, (Ex-Officio), Sennstrom, Houston, and Dempsey.

ABSENT: Doordan, (Vice-Chairman).

MINUTES- Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the minutes from Monday, March 19, 2012, 7:00 p.m., minutes as mailed.

NOMINATION FOR HISTORIC DESIGNATION:

NAME OF PROPERTY: The Brick House

LOCATION: 2018 Turkey Point Road, North East, MD 21901, Tax Map: 36, Parcel: 138

PROPERTY OWNER: Susan D. Shannon

Eric Sennstrom, Director of Planning and Zoning presented the following three, (3) historic designations. The Brick House, North East, MD c. 1840. The Brick House stands two miles south of North East on the Elk Neck peninsula. This house served for a time as the rectory for St. Mary Anne's parish. The first floor plan of the main block originally consisted of two rooms, one behind each other, heated by separate fireplaces, with stairs on the west wall of the back room. Although the common bond brick house has seen structural alterations, it is architecturally significant as an example of the double-cell house in Cecil County. The fireplaces and wide pine floors are all original. The fieldstone from the old springhouse is used as facing for the fireplace in the living room. The property now consists of the house and one outbuilding on approximately 30 acres. The property has not changed family ownership in over 60 years and continues to serve as the family home to Ms. Perkins granddaughter and Mr., and Mrs. DeMond's daughter.

Dianna Broomell, (Ex-Officio) stated "when you are selling a historic house the easement goes with the house" and she feels this is commendable, we are protecting our cultural resources; this is a beautiful piece of property.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

NAME OF PROPERTY: Isaac England House & Gardens

LOCATION: 1000 Crothers Road, Rising Sun, MD 21911, Tax Map: 18 Parcel: 6

PROPERTY OWNER: James & Julia Crothers

The Isaac England house is a 2 1/2-story central hall plan brick house three bays across by one room deep, facing south. During renovations in the 1940s a late 19th century shed-roofed porch was removed from the front of the house and a one-bay covered stoop was substituted. Isaac England's initials appear in a gazed header pattern on the west façade. Sash windows are found on both floors in the northern bay. This house is virtually unaltered example of a form common during the early 19th century in the northeastern part of Maryland.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

NAME OF PROPERTY: Bristole or Bristoll

LOCATION: 843 Elk Forest Road, Elkton, MD 21921, Tax Map: 38, Parcels: 21 & 613

PROPERTY OWNER: William & Ann Stubbs

This property dates back to c.1744 when there was a land grant of 500 acres to grow tobacco. Nicholas Painter, (1683) gave the farm name "Bristoll Plantation". The property is presently a grain and herb farm. The farm has two (2) lanes, which lead to Blair Shore Road and to Elk Forest Road. The house sits in the center of the farm. The dwelling is 18' by 48', three (3) bays, two-(2) story hand adzed timber on the first floor and dovetail plank on the second floor. There are chimneys at each end of the dwelling and the house is covered in cypress boards. The house has had minimal changes since the kitchen and second floor were added in the late 18th or early 19th century. The out buildings on the property consist of a former smoke house, two-story granary, grain shoot, corn crib, two (2) story barn for horses and will hold 1,000 bails of hay, milking are and a wagon shed. There is a family graveyard on site with stone wall enclosure. The largest sycamore tree in Cecil County dating from 1578 is on site along with a second sycamore site estimated to be 250 years old.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2012-02APPLICANT: Persimmon Inc., & Lime Creek Holding Co./ Cecil County Planning & Zoning.

PROPERTY LOCATION: Fletchwood Road, Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 21, PARCEL: 884.

PRESENTLY ZONED: Business Intensive, (BI).

REQUEST: Request to rezone 2.71 Acres from Business Intensive, (BI) to High Density Residential, (RM).

PROPERTY OWNER: Persimmon, Inc. & Lime Creek Holding Co., c/o Jesse Fuchs-Simon P.A.

Eric Sennstrom, Director of Planning and Zoning stated that before the 2011 Comprehensive Rezoning, the property was zoned Multi-family Residential, (RM). The proposal was submitted and approved to put town houses on the property, during the 2011 Comprehensive Rezoning when the maps were being drafted by the Planning and Zoning Department the property was mistakenly changed from Multi-family Residential, (RM) to Business Intensive, (BI) and adopted by the Board of County Commissioners, henceforth that rendered the residential site non-conforming; this property has final approval from the Planning Commission, the plats have been recorded and construction is underway.

Health Department Report – This property is in an area served by public water and sewer. Any proposed changes in use on the property would require confirmation of adequate water and sewer allocations.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3591 - APPLICANT: Darin L. Keiser.

FOR: Special Exception for a home occupation to operate an internet retail business.

PROPERTY LOCATION: 64 Manor Circle, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 623, Lot: 5.

PROPERTY OWNER: Darin L. Keiser.

PRESENTLY ZONED: Low Density Residential, (LDR).

Darin Keiser, 64 Manor Circle, Elkton, MD would like to establish a small home legitimate on-line retail business; he needs retain a business license from the Clerk's office. There is no retail traffic; everything would be performed on-line, phone or fax. Mr. Keiser has not decided on a product line as of yet, as of the present this is simply a hobby. He will be using his furnished basement and two-(2) car garage for storing of items he will be selling on-line.

Health Department Report – Permit G7449 was issued in 2004 for a dwelling. The onsite well and septic system are adequate for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3592 - APPLICANT: Ida Hessey and Edith Hessey.

FOR: Special Exception to sell block ice and fishing bait.

PROPERTY LOCATION: 65 George Street, Fredericktown, MD 21930, Election District: 1, Tax Map: 67, Parcel: 37.

PROPERTY OWNER: Morgan A. and Fiona C. Lum.

PRESENTLY ZONED: Village Residential, (VR).

Fiona C. Lum, and Edith Hessey, 65 George Street, Frederick, MD and Tom Lum 65 Sassafras Street, Frederick, MD, would like to sell block ice and fishing bait. Ms. Lum has a signed petition from property owners in Fredericktown in support for this home occupation marked exhibit one (1), see attached and file for reference. The ice would be delivered once a month and will be stored behind the residence. There would be adequate parking by the boat ramp and only seasonal traffic. They would be open seven (7) days, early in the morning for the anglers to buy their bait; the signage will not be larger than 3 sq. ft. and no employees.

Health Department Report – Health Department requires that ice be obtained from an approved source.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Cliff Houston Zoning Administrator stated the Office of Planning and Zoning received a letter from Ford and June Hall, Sr. stating they agree and endorse this activity marked exhibit two (2), see attached and in file for reference. Mr. Houston stated we received notification from the critical area and they have met all requirements and they have no comments on this request.

FILE: 3593 - APPLICANT: Lawrence R. & Nancy Carver, Jr.

FOR: Special Exception for privately owned outdoor recreation facility.

PROPERTY LOCATION: 2981 Old Telegraph Road, Chesapeake City, MD 21915, Election District: 2, Tax Maps: 43 & 44, Parcels: 03, 72 & 87.

PROPERTY OWNER: Lawrence R. & Nancy Carver, Jr.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Riddle, Esquire 204 East Main Street, Elkton, MD representing Lawrence and Nancy Carver, Jr., 2981 Old Telegraph Road, Chesapeake City, MD. The Carvers are applying for a special exception for a privately owned outdoor recreation facility, (paintball). Mr. and Mrs. Carver had previously applied and obtained a special exception under Section 108 of the Zoning Ordinance; however further research made the Carver's come to the conclusion that the paintball operation should be under Section 108, it should be under Section 100. In Section 100, there are different setback requirements and buffers than Section 108. The Carver's have been monitoring noise on this property as requested by the Board of Appeals from meeting held in November 2011. Mr. Carver has been in operation at this location for five (5) years and has operated under his special exception for four (4) years. This is Mr. Carver's forth request for his paintball operation. The paintball playing facility is 117 acres total and 57 acres for playing. There are air ball, speed ball and recreation fields. The play areas are safe, there are hedgerows, buffer areas on the northern side, and woods on the other side, there is a marsh area by the Back Creek Subdivision. There are no traffic problems and plenty of room for parking on the farm. Over the past two (2) years, since the last special exception renewal, the Carver's had 198 days of playing out of 730 days. The paint is 100% biodegradable and never shot into the critical area. The hours of operation are 9:00 a.m. to 4:00 p.m. and port-a-potties scattered throughout the property. Discussion of the definition of "War Games".

Health Department Report – Sanitary permit B8446 was issued in 1996 for an existing mobile home. As proposed by the applicant, water and septic are adequate for the proposed use.

COMMENTS IN SUPPORT: Names and address listed below in support, in file and audio on-line for reference. The people listed below are in support of the paintball field; it is a great activity for children and adults of all ages. It brings teamwork, exercise and gives back to the community with charitable organizations. This facility is very safe, clean and a great training facility for all groups. Noise has not been a problem and it is not driving the game away for hunting. The park has more pros than cons and this is a first class operation.

1. Waverly Muller, Greenville, South Carolina
2. Richard Carver, 536 Bethel Road, Chesapeake City, MD
3. Bill Tidaback, 98 Andrea Drive, Chesapeake City, MD
4. David Kerr, 48 Robert Oaks Drive, Newark, DE
5. Ben Boudart, 11 Wildfields Court, Bear, DE
6. Patrick Lindsey, 6 Kingston Circle, Collegeville, PA
7. Jeff Woomer, 1811 Reindeer Place, Bear, DE

Cliff Houston, Zoning Administrator, presented letters in support listed below:

1. Lance and Erica Powers, 2935 Old Telegraph Road, Chesapeake City, MD
2. Journey Kerchner, Outdoor Xtreme, Chesapeake City, MD

COMMENTS IN OPPOSITION: The following people testified in opposition, in file and audio on-line for reference. The following homeowners in opposition because of noise, (bullhorn in early morning hours), weekend hours, accelerated usage, depreciation in property values, trash, scarring wildlife and spooking horses, safety and traffic on Old Telegraph Road.

1. Jeff Foster, 54 Wilmon Street, Chesapeake City, MD
2. Brian Johnson, 2827 Old Telegraph Road, Chesapeake City, MD
3. Jeff Foster, Jr., 38 Wilmon Street, Chesapeake City, MD
4. Kim Foster, 54 Wilmon Street, Chesapeake City, MD

5. Cathy Rogers, 2827 Old Telegraph Road, Chesapeake City, MD

FILE: 3594 - APPLICANT: James and Mary Ann Marshall.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 936 Ebenezer Church Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 18, Parcel: 349.

PROPERTY OWNER: James and Mary Ann Marshall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Corey Hall, 934 Ebenezer Church Road, Rising Sun, MD and Mary Ann Marshall, 936 Ebenezer Church Road, Rising Sun, MD stated there is currently a mobile home on the property that was approved for a special exception in 2003. The previous special exception was for the grandmother and grandfather to live in the mobile home; the grandfather passed away in 2005. Mr. Hall, (grandson) is asking for a special exception to stay in the mobile home with his grandmother for hardship purposes.

Health Department Report – Sanitary Permit G5371 was issued in 2003 for the mobile home. The onsite well and septic system are adequate for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3595 - APPLICANT: Joseph Donald Quinn.

FOR: Special Exception to operate a commercial kennel.

PROPERTY LOCATION: 889 Union Church Road, Elkton, MD 21921, Election District: 3, Tax Map: 19, Parcel: 145.

PROPERTY OWNER: Joseph Donald Quinn.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Joseph Quinn, 889 Union Church Road, Elkton, MD stated he wishes to train and house Golden Retrievers and do some breeding. Mr. Quinn lives on 15 acres of woods with a 3,000 ft. driveway and no neighbors for ½ mile, thus there will not be any traffic problems, and housing for the dogs is fenced.

Health Department Report – Submit plans for dog waste removal to the Health Department for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3597 - APPLICANT: Elk Manor Farms, LLC., Attn: Simon Tusha, MM.

FOR: Special Exception to operate a Bed and Breakfast.

PROPERTY LOCATION: 88 Rivers Edge Road, North East, MD 21901, Election District: 5, Tax Maps: 41 & 46, Parcels: 218,16,118,119 & 354.

PROPERTY OWNER: Elk Manor Farms, LLC., Attn: Simon Tusha, MM.

PRESENTLY ZONED: Rural Residential, (RR).

Robert Jones, Esquire, 157 East Main Street, Elkton, MD and Simon Tusha, MM of Elk Manor Farms, LLC, 88 Rivers Edge, North East, MD. The property comprises of seven (7) homes and twenty (20) barns on the property. Mr. Tusha stated he would like to use two (2) homes on the property for the Bed and Breakfast seven (7) bedrooms, “The Beach House” and “The Manor”. Parking and access to the property will not be a problem, since there is 162 acres. Mr. Tusha is asking for a Bed and Breakfast special exception with the ability to hold

events such as weddings, conferences and concerts. The farm was known as “Head of the Bay” for two centuries.

Health Department Report – Submit a written proposal with the number of rooms to be rented and proposed menu items to determine licensing requirements. Please contact the Health Department for further discussion.

COMMENTS IN SUPPORT: Mary Jo Joblanski, 105 West Village Road, Elkton, MD stated she has been the Cecil County tourism for eight (8) years and is in favor of the special exception for Elk Manor Farm. Ms. Joblanski receives numerous calls for Bed and Breakfast’s in Cecil County; when corporations and manufactures call for reservations, they request a Bed and Breakfast to give their clients a unique experience of Cecil County.

Stephanie Palko, Elkton, MD stated she is on the tourism committee and this property promotes balanced use with economic development and land preservation. The tourists come to Cecil County to spend money and use little or no county services, so this is good for economics. Her son got married on this beautiful property in September 2011. Ms. Palko stated you could not see any other homes in the area, as “The Manor” sits in the middle of the property. Bed and Breakfasts preserve preservation and beauty.

COMMENTS IN OPPOSITION: Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD representing the following: There are two subdivisions adjacent to this property, Elk View Cottage Colonies and Willow Acres, between them there are 26 homes. The people are concerned that this application for a Bed and Breakfast is really for an event venue. Mr. Thomey stated Mr. Tusha is advertising weddings and events on the internet before this special exception has approval. There has been one wedding, advertising for the Haunted Harley Ride and other special events. The property owners are concerned about noise, traffic, parking, sewer and water, lighting and impact on their quiet community that has been there for 50+ years. Following property owners in opposition listed below, in file and audio on-line for reference.

1. Herb Otto, 20 Mintwood Lane, North East, MD
2. Karen Otto, 20 Mintwood Lane, North East, MD
3. Tom Myers, 229 Elk View Road, North East, MD
4. John Bennett, 496 Old Elk Neck Road, North East, MD
5. Richard Berman, 270 Elk View Road, North East, MD
6. Connie Berman, 270 Elk View Road, North East, MD
7. Jeanne Parry, 11 Elkside Farm Lane, North East, MD
8. Bruce Lashbrook, 240 Elk View Cottage Road, North East, MD
9. Debbie Lashbrook, 240 Elk View Cottage Road, North East, MD
10. Tim Lashbrook, 240 Elk View Cottage Road, North East, MD
11. Tom Zingehorn, 259 Elk View Road, North East, MD
12. Mark Ellington, 230 Elk View Road, North East, MD
13. Mark Ellington, 230 Elk View Road, North East, MD
14. Shawn Miller, 906 Frenchtown Road, Elkton, MD
15. Stephanie Zingehorn, 259 Elk View Road, North East, MD
16. Ray Wnenchek, 83 Walbeck Lane, North East, MD
17. Mary Cloud, 20 Mintwood Lane, North East, MD

COMMENTS IN SUPPORT:

1. Andy, Palko, Middletown, DE
2. Jay Brown, 29 North Main Street, Port Deposit, MD
3. J.B. Brateher, 1871 Dr. Jack Road, Conowingo, MD

Cliff Houston, Zoning Administrator stated for the record, the Planning and Zoning Office received a letter from Arnold J. and Joyce S. Sten in opposition, see file and attached for reference.

Mr. Houston also stated that the Office of Planning and Zoning received notification from the critical area commission and they have no objections.

RECOMMENDATIONS:

NOMINATION FOR HISTORIC DESIGNATION:

APPLICANT: The Brick House, Susan D. Shannon.
FOR: Nomination for Historic Designation.

Staff recommended approval.

ACTION: Motion made to approve by Wallace, seconded by Wiggins.
VOTE: All in favor, motion carried.

APPLICANT: Isaac England House & Gardens, James & Julia Crothers.
FOR: Nomination for Historic Designation.

Staff recommended approval.

ACTION: Motion made to approve by McDowell, seconded by Wallace.
VOTE: All in favor, motion carried.

APPLICANT: Bristole or Bristoll, William & Ann Stubbs.
FOR: Nomination for Historic Designation.

Staff recommended approval.

ACTION: Motion made to approve by Wiggins, seconded by Miners.
VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Persimmon Inc., & Lime Creek Holding Co./ Cecil County Planning & Zoning.
FOR: REQUEST: Request to rezone 2.71 Acres from Business Intensive, (BI) to High Density Residential, (RM).

Staff recommended approval, based upon a mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by McDowell, seconded by Wiggins.
VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Darin L. Keiser.
FOR: Special Exception for a home occupation to operate an internet retail business.

Staff recommended for two (2) years or as long as Mr. Keiser owns the property and operates the business, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Ida Hessey and Edith Hessey.

FOR: Special Exception to sell block ice and fishing bait.

Staff recommended approval for two (2) years or as long as the Hessey's reside on the property, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Miners, seconded by Yust.

VOTE: All in favor, motion carried.

APPLICANT: Lawrence R. & Nancy Carver, Jr.

FOR: Special Exception for privately owned outdoor recreation facility.

Staff recommended disapproval, paint ball operation should be classified under Section 108.

ACTION: Motion made to disapprove with staff conditions by Wiggins, seconded by Miners.

VOTE: All in favor, motion carried.

APPLICANT: James and Mary Ann Marshall.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for as long as grandmother and grandson reside in the mobile home.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Joseph Donald Quinn.

FOR: Special Exception to operate a commercial kennel.

Staff recommended approval, with compliance to the provisions of Section 66.

ACTION: Motion made to approve with staff conditions by Miners, seconded by McDowell.

VOTE: All in favor, motion carried.

APPLICANT: Elk Manor Farms, LLC., Attn: Simon Tusha, MM.

FOR: Special Exception to operate a Bed and Breakfast.

Staff recommended disapproval, it would be more harmful at this location than other locations in the Rural Residential, (RR) zone.

ACTION: Motion made to disapprove with staff conditions by Miners, seconded by Wiggins.

VOTE: Four to one in to disapprove, motion carried.

The meeting adjourned at 10:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 21, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

Wednesday, May 21, 2012

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, Wiggins, Wallace, Yust, Miners, Broomell, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: McDowell, (Alternate).

APPROVAL OF MINUTES: Motion made by Doordan, seconded by Wiggins and unanimously carried to approve the Monday, April 16, 2012, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3598 - APPLICANT: Glenn and Wendy Cooper.

FOR: Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 14 Canal Estates Drive, Elkton, MD 21921, Election District: 2, Tax Map: 43, Parcel: 435, Lot: 23.

PROPERTY OWNER: Glenn and Wendy Cooper.

PRESENTLY ZONED: Village Residential, (VR).

WITHDRAWN, failed to appear.

FILE: 3600 - APPLICANT: Randy Spencer.

FOR: Special Exception to hold festivals and events.

PROPERTY LOCATION: 680 Cherry Grove Road, Earleville, MD 21919, Election District: 1, Tax Map: 51, Parcel: 3.

PROPERTY OWNER: Cherry Grove, LLC, c/o Nancy Ward.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Randy Spencer, 52 Blue Jay Street, Elkton, MD stated the purpose of his application is to hold events such as weddings, family reunions and fun raising events at the farm known as Cherry Grove Farm for the purpose of raising revenue to maintain the property for the landowners as well as him and draw tourism to the county. Mr. Spencer passed out documentation packets to the Board members.

Bill Mortimer, (Chairman) asked if Eric Sennstrom could explain the do's and don'ts of festivals and events in the NAR zone.

Mr. Sennstrom stated for festivals and events in the Northern Agricultural Residential, (NAR) zone, it is a special exception with six (6) conditions:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Seasonal business uses shall not exceed a total of 180 days in any 12 consecutive months.
5. Activity areas shall be at least 500 feet from a residential district.

6. A minimum of one parking space shall be provided for every 500 square feet of ground area of the total site.

Mr. Spencer stated he has approximately 2½ to 3 acres for parking and established an area for the use of a 40 x 60 temporary tent to be set up, out of the 100-foot buffer but still in the critical area. The tent will be set up in late June and taken down by September 15, 2012. All electrical work will be performed by a licensed electrician and will meet all local codes. There is a farm lane that has been maintained for access onto the property; stone base and maintenance is kept up with farm equipment. Cherry Grove Road is a county road with the standard ditching on each side. There will be approximately 150 to 200 people at the events and three to four events a month, this is not his primary business; Mr. Spencer is an electrical contractor by trade. There will be temporary trailer style bathrooms located on site and everything will be catered. It will be advertised on the internet and word of mouth. Hours of operation will be no later than 10:00 p.m., on weekends.

Health Department Report – Contact the Health Department to discuss water and sewage requirements for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: David Williamson, adjacent landowner at 565 Cherry Grove Road, Earleville, MD. Mr. Williamson has a couple of concerns about this application, he fully understands the County's desire to generate revenue and for the land owner who have been terrific neighbors for twenty-five years to maintain this property, but he is concerned about the number of gaps in this proposal, particularly in restricting the number of events. He is delighted to see a cap on the size of people and the time of night, but how are those going to be enforced. It will be very noisy and he is concerned about the narrow road. One last thing, this is an ecological area for Bald Eagles. Mr. Williamson would not like to see the peace and quiet be disrupted on the Upper Bay, which he enjoys.

Cliff Houston, Zoning Administrator stated the Office of Planning and Zoning received correspondence from the critical area and they are opposed to this project, letter attached and in file for reference.

Bill Mortimer, Chairman made a recommendation to take File # 3602-Shannon Moore out of sequence as the last file Elk Manor Farms is very lengthy.

FILE: 3602 - APPLICANT: Shannon Moore.

FOR: Special Exception to retain a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 36 Oakwood Road, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcel: 70.

PROPERTY OWNER: Thomas Moore.

PRESENTLY ZONED: Rural Residential, (RR).

Mary and Thomas Moore and Shannon Moore (daughter), 36 Oakwood Road, Conowingo, MD would like to put a trailer on their property for their daughter and granddaughter. Mrs. Moore stated they have a three-bedroom house and already have eight people living in it so they do not have any more room for their daughter and granddaughter. The Moore's daughter works part time at Wal-Mart and has a seven-month-old daughter; she does not make much money and needs a place to stay. This singlewide would be visible from the neighbor's homes.

Health Department Report – Existing septic system installed under permit R-3270-05. If the special exception is granted for a mobile home, the existing septic system must be expanded.

COMMENTS IN SUPPORT: Darrel Menking, 3 Oakwood Road, Conowingo, MD stated he is the Moore's next-door neighbor and he incurs with their request to have this special exception granted. The singlewide will not be that visible from his property.

COMMENTS IN OPPOSITION: None.

FILE: 3601 - APPLICANT: Elk Manor Farms, LLC, Attn: Simon Tusha, MM.
FOR: Special Exception to operate a Bed and Breakfast.
PROPERTY LOCATION: 88 Rivers Edge Road, North East, MD 21901, Election District: 5,
Tax Maps: 41 & 46, Parcels: 218,16,118,119 & 354.
PROPERTY OWNER: Elk Manor Farms, LLC, Attn: Simon Tusha, MM.
PRESENTLY ZONED: Rural Residential, (RR).

Robert Jones, Esquire, 157 East Main Street, Elkton, MD representing Simon Tusha, MM in this special exception to operate a Bed and Breakfast. At the last hearing, there were a number of neighbors in opposition to Mr. Tusha's application, we have withdrawn the application and had discussions with the neighbors about conditions which they would like to see imposed upon the project, we agree with most of the conditions.

Issues by Neighbors listed below:

1. Adjacent proximity of the Elk Manor Farm and Camp Sandy Hill Camp, which borders portions of the Elk Manor Farm. Both feed off Rt. 272.
2. No wedding ceremonies, gatherings or events after 10:00 p.m.
3. No activities within 100' from adjacent properties, no activities within 200' of any dwelling.
4. No lighting which projects onto adjacent properties.
5. No more than 200 people on the premises.
6. All over night, guests must be housed within a building and may not sleep outdoors or in tents.
7. No food or drinks served after 9:00 p.m. outside any building, Mr. Tusha is suggesting that 10:00 p.m., all activities would cease including the serving of alcohol, food and music.
8. No sound at any time in excess of the Maryland State limits, MDE requirements.
9. The special exception should initially be granted for two (2) years subject to a requirement for renewal,
10. Mr. Tusha is requesting five (5) years in light of the business undertaking
11. Sound barrier along the northern and eastern boundaries erected and screened from view of vegetation.
12. The special exception will only be granted for parcels 218 and 119 on map 46.
13. No more events with more than twenty people with outdoor music, no more than two events in any one month.

Mr. Tusha would like to elaborate a bit more on his business plan. He is agreeable to restricting the parcels to parcel 218 and 119, map 46. Mr. Tusha stated there would not be any Jet Ski rentals, no motorcycle rallies and no concerts. As far as the Bed and Breakfast the Manor House will have four bedrooms and there own bathroom facilities. The Beach house will have two bedrooms and bathroom. There is a Manager on site, for the B & B and the farm; no meals other than a continental breakfast will be served. The weddings would be from 9:00 a.m. to 10:00 p.m., three days a week and catered, with 350 people tops. Sanitation will be provided by portable restroom facilities as discussed with the Health Department. There are nine wells on the property and at one time, there were cattle, (horses and cows), so there is plenty of water. As far as business meeting 9:00 a.m. to 10:00 p.m., limited to five days a week.

Michael Pugh, 11 Brown Pine Path, Elkton, MD would like to talk this evening about the criteria for the granting of the special exception.

1. The Board needs to consider the health, safety and welfare. The Health Department has reviewed the water and sewer and the handling of food and they meet all the requirements. There is always Management on site.
2. The use would not be detrimental to the peaceful use and enjoyment of the property. The impact on the neighborhood would be minimal compared to much closer distances than were originally discussed.
3. Submit to the Board a letter that has been prepared by a Real Estate expert, summary of his findings in which he concludes that there would not be an adverse affect on the property values of the adjoining properties.
4. The use not to over burden public facilities, the use shall not affect the critical area or areas of ecological importance. The Critical Area has no objection to the use and conforms to all applicable use in the zone.
5. Traffic study was performed by Street Traffic's Limited, executive summary submitted for the record; in file for reference.
6. Consistent with compatibility with the Comprehensive Plan and the Zoning Ordinance.

Health Department Report - Submit a written proposal with the number of rooms to be rented and proposed menu items to determine licensing requirements. Contact the Health Department for further discussion. Based upon the information provided, the Health Department has no objection to the special exception.

Revised Health Department Report – Mr. Tusha came in this morning to discuss food, water and sewage requirements for his proposal. Based on information he provided, the Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: The following property owners in support listed below, in file and audio on-line for reference:

Joann Dawson, 41 Tailwinds Lane, North East, MD
 Thomas Cole, 1635 Elk Forest Road, Elkton, MD
 Beth Ayers, 175 White Pine Circle, Elkton, MD
 Chris Lehto, 175 White Pine Circle, Elkton, MD
 Kent Methnen, 5411 Turkey Point Road, North East, MD
 Karie O'Neill, 516 Burnham Lane, Middletown, DE
 Genille Dawson, 56 Tusha Lane, Rising Sun, MD
 Tim Dawson, 103 Chestnut Springs Road, Chesapeake City, MD
 Frank Hunter, 103 Chestnut Springs Road, Chesapeake City, MD
 Cody Johnson, 39 Rivers Edge Road, North East, MD
 Sean Conner, 315 Donald Circle, Forest Hill, MD
 Fred Runco, 12 Stafford Court, Chesapeake City, MD
 Andy Palko, 37 Millwood Drive, Middletown, DE
 John Woodrow, 1589 Liberty Grove Road, Conowingo, MD
 J.B. Bratcher, 1871 Dr. Jack Road, Conowingo, MD
 Debbie Carrazko, 39 River Edge Road, North East, MD
 Jim Fortune, 331 Greenwood Street, Elkton, MD
 Mary Fabulic, 127 Lake Forest Drive, Elkton, MD
 Angelo Fabulic, 127 Lake Forest Drive, Elkton, MD
 Bob Steele, Oxford, PA
 Harold McCanick, 694 McKinneytown Road, Elkton East, MD

Cliff Houston, Zoning Administrator stated the Office of Planning and Zoning received a petition with 65 signatures for approval of the Bed and Breakfast.

COMMENTS IN OPPOSITION: Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD stated generally this application is the same as last month where a number of people that came last month can not be here this evening. I would hope you would take that into consideration what they said last month. Mr. Tusha has already had weddings on the property without a permit, he is still advertising for weddings and events despite the fact there is no permit. There are a list of items in opposition: noise, property values, traffic, Old Elk Neck Road Bridge out, alcohol being served with people driving, parking, water and sewer, light and noise pollution, many strangers roaming the area, no security and police, only one way in and out, and most of all is the number of events.

COMMENTS IN OPPOSITION: Following property owners in opposition listed below, in file and audio on-line for reference.

Richard Burman, 270 Elk View Road, North East, MD
Connie Burman, 270 Elk View Road, North East, MD
Kevin O'Donnell, 8 Partridge Lane, North East, MD
Tom Ziegenhorn, 259 Elk View Road, North East, MD
Mark Ellington, 230 Elk View Road, North East, MD
Stephanie Ziegenhorn, 259 Elk View Road, North East, MD
Scarlette DeRosa, 260 Elk View Road, North East, MD
Tom Myers, 229 Elk View Road, North East, MD
Gregg Sanders, 240 Elk View Road, North East, MD
Shawn Miller, 906 Frenchtown Road, Perryville, MD
Karen Otto, 10 Mintwood Lane, North East, MD
Herb Otto, 20 Mintwood Lane, North East, MD

Cliff Houston, Zoning Administrator stated the Office of Planning and Zoning received a petition from Dwight Thomey, Esquire with 74 signatures in opposition of the Bed and Breakfast.

RECOMMENDATIONS:

APPLICANT: Glenn and Wendy Cooper.

FOR: Special Exception for a home occupation to operate a hair salon.

Withdrawn, failed to appear.

APPLICANT: Randy Spencer.

FOR: Special Exception to hold festivals and events.

Staff recommended approval for two (2) years or as long as Cherry Grove, LLC owns the property, whichever shall sooner occur.

ACTION: Motion made to approval for two (2) years or as long as Cherry Grove, LLC owns the property, whichever shall sooner occur. (200-person max – 10:00 p.m. end of activity), by Wallace, seconded by Doordan.

VOTE: Four to one to approve with conditions, motion carried.

APPLICANT: Shannon Moore.

FOR: Special Exception to retain a singlewide manufactured home for hardship purposes.

Staff recommended approval for two (2) years as long as the daughter resides in the manufactured home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Elk Manor Farms, LLC, Attn: Simon Tusha, MM.

FOR: Special Exception to operate a Bed and Breakfast.

Staff recommended approval, for two years or as long as Elk Manor Farms, LLC owns the property whichever shall sooner occur.

ACTION: Motion made to approve with conditions listed below by Wallace, seconded by Miners.

1. All weddings must be over by 10:00 p.m. – no food or drink served after 10:00 p.m. – No weddings may begin prior to 9:00 a.m. Weddings limited to three (3) days per week – Maximum size 300 people.
2. All activity must occur at least 100’ from any property line or 200’ from any residence on an adjoining property.
3. No lighting may be directed toward adjoining properties.
4. Sound standards per MDE requirements.
5. Bed and Breakfast limited to six rooms.
6. Business conferences limited to Monday – Friday, 9:00 a.m. to 5:00 p.m. – Maximum 100 people.
7. No jet ski rental
8. No sleeping outdoors
9. Bed and Breakfast approval is for parcels 218 and 119 only.

VOTE: Four to one to approve, with conditions, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 9:33 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 18, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

Monday, June 18, 2012

7:00 p.m.

PRESENT: Doordan (Acting Chairman); Wallace; Wiggins; Yust; Miners; Sennstrom (Director of Planning and Zoning); and Dempsey.

ABSENT: Mortimer; Chairman; McDowell; Alternate; Broomell (Ex-Officio); and Houston, (Zoning Administrator).

APPROVAL OF MINUTES: Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Monday, May 21, 2012, 7:00 p.m., minutes as mailed.

REZONING:

FILE:2012-03APPLICANT: Timothy Patterson.

PROPERTY LOCATION: 560 Blue Ball Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, **TAX MAP:** 305, **PARCELS:** 39 & 40.

PRESENTLY ZONED: Urbanized Residential, (UR).

REQUEST: Request to rezone 8.6 & .17 Acres from Urbanized Residential, (UR) to Business General, (BG).

PROPERTY OWNER: Timothy M. & Lori Patterson.

James Dellmyer, Attorney, 204 East Main Street, Elkton, MD representing Timothy Mark Patterson, 560 Blue Ball Road, Elkton, MD. Mr. Dellmyer presented the Board with an overview map of the Patterson property and surrounding businesses. Mr. Patterson stated to the left of his property is Elkton Recycling and Triumph Industrial Park. Mr. Patterson operates a small auto repair shop behind his home in a garage, (40' x 80') with five (5) bays, no employees. He buys cars, fixes them up, and takes them to the auction, to sell. Most of the property around him from Blue Ball Road, Dogwood Road and Rte. 213 is zoned Business General, (BG). Mr. Patterson would like to rezone his property from Urbanized Residential, (UR) to Business General, (BG). Mr. Dellmyer presented three (3) letters from neighbors; Linda and Charlie Baumgard and two (2) renters, Rebecca Smith and Kimberly Frankin in support. Mr. Patterson would like to have his property rezoned to fit more into the character of the neighborhood. The area has changed considerably since he has lived in his home for the last eighteen (18) years. The facility is fenced with a gate that is always kept closed.

Health Department Report – Our records shows disapproved percolation test on March 30, 1981 for on-site sewage disposal for parcel 40. Any proposal for changing use of the property should be submitted to the Health Department for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Eric Sennstrom, Director of Planning and Zoning stated for the record, the office received a letter from Ruth Stetson, adjoining property owner, in opposition, in file for reference.

SPECIAL EXCEPTIONS:

FILE: 3605 - APPLICANT: Jennifer R. Ewing.

FOR: Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 1540 Jacob Tome Highway, Port Deposit, MD 21904, Election District: 6, Tax Map: 17, Parcel: 586.

PROPERTY OWNER: Greg and Jennifer R. Ewing.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jennifer Renee Ewing and Gregory J. Ewing, 1540 Jacob Tome Highway, Port Deposit, MD, Dwight Thomey, Baker, Thomey & Emery Law Office, Elkton, MD representing the applicants. Ms. Ewing stated she currently has a hair salon business in Perryville, MD, she has worked there for twenty-five (25) years and she has owned it for twelve (12) years. Ms. Ewing has some health issues, would like to downsize her business, and would like to work from her home. She would be working alone, no employees, four (4) days a week- 9:00 to 6:00 Tuesday and Wednesday, Friday 9:00 to 6:00, Saturday 8:00 to 3:00, resting an hour or two in between due to her health issues. Ms. Ewing would like to have two (2) chairs, so she would be able to have two (2) customers at a time and operate this business in a building (garage) that is behind her home. There is room for six (6) vehicles to park, no delivery trucks, no fumes or odors and no selling of hair products. The property is located on Chiefs Mountain Lane in Port Deposit, MD. There will not be any change in the appearance outside of the building (garage).

Mr. Thomey presented photographs to the Board that Mr. Ewing had taken of his property and building location, in reference to Chiefs Mountain Lane and Jacob Tome Highway.

Mr. Thomey presented two (2) letters in favor of this special exception, marked exhibit one (1) and two (2) from Patricia Grace, 112 Rowland Drive, Port Deposit, MD and A. Rebecca Ellis, Branch Manager/VP, PNC Bank, in file for reference.

Mr. Thomey presented four (4) prior Special Exceptions that the Board of Appeals approved for home occupations not located in the residence, listed below:

1. Michael Dillon, Auto Repair Business – approved 2003
2. Mr. and Mrs. Sumner, Welding Business – approved 2010
3. Mark Mullen, Motor Vehicle Repairs - approved 2011
4. Nancy Murphy, Art Shop – approved 2011

Health Department Report - Permit 201105679 was issued for a garage and pool house on tax map 17, parcel 586. Septic system must be upgraded for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Karl Fockler, Esquire, 205 East Main Street, Elkton, MD representing Marlene and Muhammad Emara who live on Chief Mountain Road, Port Deposit. The special exception being submitted this evening is not for a garage and pool house, it is for a hair salon. The business and building are not an accessory use to a residence; therefore, it does not comply with the zoning code in regards to the standards for a home occupation and the building for that particular location. Essentially the main issues are the safety issues and the parking issues in regards to the property. All the residents that live off Chiefs Mountain Lane are opposed to this hair salon, due to the access off the road. All the residents have a deed stating they have a 50' right-of-way.

Residents that spoke in opposition, in file and audio on-line for reference:

1. Steven Stottlemeyer, 109 Chiefs Mountain Lane
2. Marlene Emara, 116 Chiefs Mountain Lane
3. Denise Rinaldi, 89 Chiefs Mountain Lane
4. Frank Rinaldi, 89 Chiefs Mountain Lane

FILE: 3607 - APPLICANT: Bruce and Paula Rixham & Tim and Linda Pierce.
FOR: Special Exception to operate a Senior Assisted Living Center.
PROPERTY LOCATION: 1126 Ridge Road, Rising Sun, MD 21911, Election District: 6, Tax Map: 2, Parcel: 45.
PROPERTY OWNER: Gary A. and Eulla M. McCoy.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Withdrawn, failed to appear.

RECOMMENDATIONS:

REZONING:

APPLICANT: Timothy Patterson.
FOR: Request to rezone 8.6 & .17 Acres from Urbanized Residential, (UR) to Business General, (BG).

Staff recommended disapproval, no demonstrated change in the character of the neighborhood, no demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve based upon a change in the character of the neighborhood by Wallace, seconded by Yust.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Jennifer R. Ewing.
FOR: Special Exception for a home occupation to operate a hair salon.

Staff recommended disapproval, not located within the residence on the property.

ACTION: Motion made to approve by Wallace, seconded by Miners.
VOTE: Three (Wallace, Miners, Yust) to one (Wiggins) to approve, motion carried.

APPLICANT: Bruce and Paula Rixham & Tim and Linda Pierce.
FOR: Special Exception to operate a Senior Assisted Living Center.

WITHDRAWN, failed to appear.

GENERAL DISCUSSION: None.

The meeting adjourned at 8:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 16, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

July 16, 2012

7:00 p.m.

PRESENT: Doordan, (Vice-Chairman), Wallace, Wiggins, Yust, Miners, McDowell, (Alternate), Broomell, (Ex-Officio), Sennstrom, Houston, and Dempsey.

ABSENT: Mortimer, (Chairman).

MINUTES- Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Monday, June 18, 2012, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT - ZONING ORDINANCE

Add Article II, Part I, Section 12- to include the definition of Transfer of Development Rights, (TDR).
Add Article XI, Part V, Section 246.8b (2) Administrative procedures.

Summary – Add definition of a transferred development right.

Summary - Add new language relative to minimum acreage for sending parcels in the Northern Agricultural Residential, (NAR) zoning district.

Eric Sennstrom, Director of Planning and Zoning, will present the first three items on the agenda this evening. The first item is a Text Amendment to the County Zoning Ordinance concerning Article II, Part I, Section 12, proposing to add a definition of Transfer of Development Rights to that document. Also Article XI, Section 246.8b (2) administrative procedures will add new language to the Zoning Ordinance concerning minimum size of parcels that could qualify as sending areas. This amendment is tied in with the second item on the agenda.

TEXT AMENDMENT – CODE OF CECIL COUNTY

Add Chapter A282, Transfer of Development Rights (TDR) to the Code of Cecil County.

Summary - To establish a County Transfer of Development Rights program that will create a bank to purchase and sell development rights.

The second Text Amendment to the Code of Cecil County, which is proposing to add a new chapter to the code, Chapter A282, Transfer of Development Rights. That language will enable the County to establish a TDR bank where we would be able to purchase development rights as well as to sell development rights. The development rights have been in existence since January 1, 2007, to try to find a method to make it more attractive for individuals to use; the County has talked to the land owning community as well as the development community.

TEXT AMENDMENT – Master Water and Sewer Plan

Amendment regarding the alignment of the water line from the Meadowview water system to the CECO water system.

The third item concerns a previously approved Amendment to the County Master water and Sewer Plan. In October 2010, an amendment came before the Board to extend the line from the Meadowview system to CECO Utilities system. The amendment contained a map which showed a water line that would head west out of the

Meadowview system along Elk Mills Road, travel under the Elk Creek and across the property of the Eastern States Development and travel under the CSX Rail Line and enter CECO Utilities at the southerly end of their community with the existing system. There has been discussion with MDE about this issue. They are of the opinion that a map changing the alignment, should go back through the hearing process. This portion of the amendment is to provide water to the CECO Utilities, which is having a situation with their wells falling yield.

SPECIAL EXCEPTIONS:

FILE: 3608 - APPLICANT: Darin L. Keiser.

FOR: Special Exception for a home occupation to operate an internet retail business.

PROPERTY LOCATION: 64 Manor Circle, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 623.

PROPERTY OWNER: Darin L. Keiser.

PRESENTLY ZONED: Low Density Residential, (LDR).

Darin L. Keiser, 64 Manor Circle, Elkton, MD is seeking a special exception to operate a home based internet business selling wireless blue-tooth audio systems for headsets and bookshelf speakers. This is a completely self-contained business within the house; all business will be conducted over the internet. This business is part time and there will be no evidence to the neighbors that a business is going in his home.

Health Department Report – Permit G7449 was issued in 2004 for a dwelling. The onsite well and septic system are adequate for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3610 - APPLICANT: Tamie Anne Turner.

FOR: Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 7057 Augustine Herman Highway, Earleville, MD 21919, Election District: 1, Tax Map: 62, Parcel: 26.

PROPERTY OWNER: Robert and Tamie Anne Turner.

PRESENTLY ZONED: Rural Residential, (RR).

Tamie Anne Turner, 7057 Augustine Herman Highway, Earleville, MD stated she would like to move her current business from Cecilton to her home address in Earleville. Ms. Turner has been a hairdresser for twenty-five (25) years in Cecilton; she would like to move to her home because it would be more efficient for her. There will be no employees, open Tuesday thru Saturday from 8:00 to 7:00 with ½ day on Saturday.

Health Department Report – An upgrade to existing septic system will be required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3611 - APPLICANT: Angela and Alan Scramlin, II.

FOR: Special Exception for a home occupation to operate an internet retail business.

PROPERTY LOCATION: 265 North Bohemia Ave., Cecilton, MD 21913, Election District: 1, Tax Map: 57, Parcel: 30.

PROPERTY OWNER: Angela and Alan Scramlin,II.

PRESENTLY ZONED: Suburban Transition Residential, (ST).

Angela and Alan Scramlin, II, 265 North Bohemia Ave., Cecilton, MD stated he sculpts model kit parts out of wax or epoxy and makes copies of them and sells them on-line. There would be no customers or traffic coming to the house.

Health Department Report: Permit R3472 was issued in 2005 for a repair. The onsite well and septic system are adequate for the proposed use.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Text Amendment – Zoning Ordinance. Add Article II, Part I, Section 12- to include the definition of Transfer of Development Rights, (TDR). Add Article XI, Part V, Section 246.8b (2) Administrative procedures.

Staff recommended approval.

ACTION: Motion made to approve by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Text Amendment – Code of Cecil County. Add Chapter A282, Transfer of Development Rights (TDR) to the Code of Cecil County.

Staff recommended approval.

ACTION: Motion made to approve by Miners, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Text Amendment – Master Water and Sewer Plan. Amendment regarding the alignment of the water line from the Meadowview water system to the CECO water system.

Staff recommended approval.

ACTION: Motion made to approve by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Darin L. Keiser.

FOR: Special Exception for a home occupation to operate an internet retail business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by McDowell.

VOTE: All in favor, motion carried.

APPLICANT: Tamie Anne Turner.

FOR: Special Exception for a home occupation to operate a hair salon.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve for two (2) years with Health Department conditions being met by McDowell, seconded by Yust.

VOTE: All in favor, motion carried.

APPLICANT: Angela and Alan Scramlin, II.

FOR: Special Exception for a home occupation to operate an internet retail business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Miners.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:25 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 20, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

August 20, 2012

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Yust, McDowell, (Alternate), Broomell, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: Wallace and Miners.

MINUTES- Motion made by McDowell, seconded by Doordan and unanimously carried to approve the Monday, July 16, 2012, 7:00 p.m., minutes as mailed.

Cliff Houston, Zoning Administrator thanked Bill Mortimer, (Chairman) for his nine (9) years of service on the Planning Commission, as he is retiring from the board.

REZONING:

FILE:2012-04 APPLICANT: Nicholas Barnes.

PROPERTY LOCATION: 7 Rosemont Farm Lane, Port Deposit, MD 21904.

ELECTION DISTRICT: 7, TAX MAP: 23, PARCEL: 66.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 48.63 Acres from Northern Agricultural Residential (NAR) to Low Density Residential, (LDR).

PROPERTY OWNER: Nicholas E. Barnes and Wendy A. Barchowsky.

Nick Barnes and Wendy Barchowsky, 7 Rosemont Farm Lane, Port Deposit, MD. Ms. Barchowsky stated she believes there is a correction that needs to be made on the zoning. The zoning was Suburban Residential, (SR) when they bought the property in 1989, the property was bought as an investment. They were unaware on the Comprehensive Rezoning, that there had been a zoning change. Mr. Barnes and Ms. Barchowsky were never notified of the change of the rezoning. When the property was bought in 1989, the monetary value was more with the zoning as Suburban Residential, (SR) than Northern Agricultural Residential, (NAR). The Office of Assessments stated the zoning was Suburban Residential, (SR) for the past twenty (20) years. There is a substantial difference in the value of this property. They do not have any plans of developing this property, they would like to keep it a farm, and all they want to do is use the equity to buy another piece of property. They are asking for something that they already had.

Diana Broomell, (Ex-Officio) asked the Office of Planning and Zoning if it was found that a mistake was made and it was changed back would that be a significant change of character in the neighborhood where someone easily could apply for a rezoning?

Eric Sennstrom, Director of Planning and Zoning stated if the Board of County Commissioners changes a piece of property and it falls within the neighborhood of another piece of property, they could use that as an example of substantial change in the neighborhood on subsequent applications. Mr. Sennstrom stated when the Comprehensive Rezoning was done there was no notification to individual property owners.

Health Department Report – The property is served by on-site water supply and on-site sewage disposal. Any proposed changes in use on the property may require a septic upgrade. See permit number D4610-92.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Charles Herzog, 56 McCush Drive, Colora, MD stated he has nothing against these folks, they are fellow farmers and he sympathizes with their financial implication of this rezoning, however when the Comprehensive Plan was drawn, a line was drawn; unfortunately these folks are casualties of that. Mr. Herzog feels the lack of notification is disturbing to him. If this rezoning is approved you are going to open a whole assortment of problems. This will set a precedent for others to follow.

SPECIAL EXCEPTIONS:

FILE: 3612 - APPLICANT: Carl E. Schaumann.

FOR: Special Exception for a home occupation to operate a small baking business.

PROPERTY LOCATION: 1119 Cecilton Warwick Road, Warwick, MD 21912, Election District: 1, Tax Map: 63, Parcel: 69.

PROPERTY OWNER: Carl E. Schaumann & Beth Renzulli.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Carl Schaumann, 1119 Cecilton Warwick Road, Warwick, MD stated he came before the board in 2009 for a small baking business and never moved forward with it for financial reasons. Mr. Schaumann is a stay-at-home dad and is interested in operating a small home baking business. The bake house will be connected to his home with a four-foot (4') high wall. The structure will be 20' x 30'. He plans to sell at local farmers markets and directly to customers via a distribution network. This will not be a storefront bakery; there will be not traffic to and from the bake house. Supplies will be delivered once a month.

Health Department Report – Permit number G1594 was issued in 2002 to construct a three (3) bedroom dwelling served by on-site well and septic. Plans must be presented to Cecil County Health Department for review. Upgrade of the existing septic system will be required and a Department of Health and Mental Hygiene Food Processor License may be required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3613 - APPLICANT: Cecelia Bullock.

FOR: Special Exception renewal of a home occupation to operate a hair salon.

PROPERTY LOCATION: 1642 Liberty Grove Road, Conowingo, MD 21918, Election District: 6, Tax Map: 16, Parcel: 321.

PROPERTY OWNER: Cecelia Bullock.

PRESENTLY ZONED: Rural Residential, (RR).

Cecelia Bullock, 1642 Liberty Grove Road, Conowingo, MD would like to renew her special exception to operate her hair salon. Ms. Bullock has been operating with no complaints for the last year.

Health Department Report – Sanitary Permit A3814 was issued to build a three or four bedroom dwelling. Permit number 201004917 was issued to change existing living room to hair salon. Heath Department has no objection.

COMMENTS IN SUPPORT: Charles Herzog, 56 McCush Drive, Colora, MD stated he is adjacent property owner of Ms. Bullock's operation and it is the epitome of what a neighborhood business should be, very professional, no complaints.

COMMENTS IN OPPOSITION: None.

FILE: 3614 - APPLICANT: April Foster.

FOR: Special Exception renewal of a home occupation to operate an antique shop.

PROPERTY LOCATION: 2000 Liberty Grove Road, Colora, MD 21917, Election District: 6,
Tax Map: 17, Parcel: 569.

PROPERTY OWNER: Paul Thompson.

PRESENTLY ZONED: Rural Residential, (RR).

April Foster, 2000 Liberty Grove Road, Colora, MD would like to renew her special exception to operate an antique shop. Ms. Foster opened her business in November 2010, the business has grown. The sales right now are where the sales were at the end of last year. She has added a 30' x 40' three-car garage next to her building to house her overflow of inventory. She has about three (3) or four (4) customers a day and the driveway is 4,000 square feet for parking.

Health Department Report – Sanitary Permit C6073 was issued in 1990 for a dwelling and Permit 201004397 was issued in 2010 for converting existing detached garage into resale/antique shop. The Health Department has no objection to the request for special exception.

COMMENTS IN SUPPORT: Charles Herzog, 56 McCush Drive, Colora, MD stated the Foster's business is 1,000' from his driveway. They have been very civic oriented and this business is an asset to the small town of Colora.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

REZONING:

APPLICANT: Nicholas Barnes.

FOR: Request to rezone 48.63 Acres from Northern Agricultural Residential (NAR) to Low Density Residential, (LDR).

Staff recommended disapproval, no demonstrated change or mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve based on a mistake in the 2011 Comprehensive Rezoning by Doordan, seconded by McDowell.

VOTE: Three to one to approve, motion carried.

APPLICANT: Carl E. Schaumann.

FOR: Special Exception for a home occupation to operate a small baking business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Yust, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Cecelia Bullock.

FOR: Special Exception renewal of a home occupation to operate a hair salon.

Staff recommended approval for as long as property owner owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by McDowell.

VOTE: All in favor, motion carried.

APPLICANT: April Foster.

FOR: Special Exception renewal of a home occupation to operate an antique shop.

Staff recommended approval for as long as property owner owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wiggins.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 17, 2012, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
17 September 2012

Present: Doordan, B. Patrick; Doyle, Geoffrey; Miners, Bill; Wallace, Wyatt; Yust, Stewart; Broomell, Diana – Ex Officio; Houston, Clifford; Sennstrom, Eric

Absent: Mullen, Thomas; Wiggins, Kennard; Dempsey, Gale

Approval of minutes: Motion was made by Wyatt Wallace to approve the August meeting minutes. Motion was seconded by Geoffrey Doyle. Doordan, Doyle, and Wallace voted in favor of the motion. Miners abstained. No one opposed. Motion carried.

File #3616 – Mark & Christine Freinberg, Election District 4, TM 7 Parcel 138, Low Density Residential

Mark & Christine Freinberg appeared to present their application for a special exception to conduct a home occupation at 1 Hillcrest Lane, Elkton, Md. The business is a franchise to sell blinds for windows. There is no inventory and no customers at this location. Occasional deliveries by UPS occur. The blinds are installed at the customers address. Stewart Yust inquired about deliveries. Mr. Freinberg indicated that in addition to UPS and FedEx, there is a tractor trailer delivery approximately every six weeks.

Wyatt Wallace read the report from the Department of Environmental Health.

Chairman Doordan asked if anyone desired to speak in favor of the application. No one spoke.

Chairman Doordan asked if anyone desired to speak in opposition. Jim Dorman appeared and stated that his concern is related to the deliveries by the tractor trailers. His issues concerned safety, weight, conflicts with school buses, and damage to the local roads. Joann Dorman appeared and said that she concurred with Jim Dorman.

Wyatt Wallace inquired about tractor trailer deliveries. Mr. Freinberg indicated that he can arrange to pick the deliveries up in his van in place of the deliveries.

Clifford Houston reported that the staff recommended approval for 2 years.

Bill Miners made a motion to recommend approval for two years. Motion was seconded by Stewart Yust. All members present voted in favor of the motion. Motion carried.

File #3618 – Jay C. Emery III, Election District 8, TM 8, Parcel 284, Northern Agricultural Residential

Jay Emery III, Loretta Sumner, and William Sumner appeared to present the application to renew the special exception for the welding business at 385 Mt. Zoar Road, Conowingo, MD. Mr. Emery reminded the Planning Commission that the Sumner's initial appearance before the Commission was in May 2010 when the Planning Commission recommended approval for two years. He stated that welding business has been in existence for 14 years and has enjoyed overwhelming support from the immediate community. There is no known opposition. Mr. Emery noted that the welding business sends its employees all over the east coast to perform its services on the site of its customers. Only storage of equipment and office work occurs on site. Mr. Emery requested that the Planning Commission recommend approval for an extended period of time. Stewart Yust inquired about future expansion of the business. Mr. Sumner stated that the business has grown large enough and there is no desire to expand further.

Wyatt Wallace read the comments of the Department of Environmental Health.

Chairman Doordan asked if anyone wished to speak in favor or in opposition. No one appeared to speak.

Clifford Houston stated that staff recommended approval for as long as the Sumners own the property and operate the business.

Motion was made by Wyatt Wallace to recommend approval with staff conditions. Motion was seconded by Bill Miners. All members present voted in favor of the motion. Motion carried.

Adjournment: Chairman Doordan adjourned the meeting at 7:35 p.m.

Next Meeting: 7:00 p.m., Monday, 15 October 2012

Respectfully submitted:

Eric S. Sennstrom, Director – Planning & Zoning

PLANNING COMMISSION MEETING

October 15, 2012

7:00 p.m.

PRESENT: Doordan, (Chairman), Wiggins, (Vice Chairman), Wallace, Yust, Miners, Doyle, Sennstrom, Houston and Dempsey.

ABSENT: Mullen, (Alternate) and Broomell, (Ex-officio).

MINUTES- Motion made by Miners, seconded by Doyle and unanimously carried to approve the Monday, September 17, 2012, 7:00 p.m., minutes as mailed.

REZONINGS:

FILE:2012-05APPLICANT: David Iwersen.

PROPERTY LOCATION: 1029 Lombard Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 9, TAX MAP: 5, PARCEL: 173.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Request to rezone 8.8 Acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

PROPERTY OWNER: David and Lisa Iwersen.

David Iwerson, 1029 Lombard Road, Rising Sun, MD stated, he would like a zoning change for his farm from Rural Residential, (RR) to Northern Agricultural Residential, (NAR). Mr. Iwerson feels that there was a mistake in the 2011 Comprehensive Rezoning for the following reasons listed below:

1. 8.8 acres
2. Lot which borders his west property line is zoned NAR
3. Majority of land in his area is zoned NAR
4. Has used the property since 1993 as a horse farm when he purchased property
5. Maryland Department of Agriculture recognizes his land as a farm

Mr. Iwerson would like to locate fifteen (15) indoor kennels in his barn; he feels he meets all the criteria set forth in the Cecil County Zoning Ordinance. The proposed kennel would be in his existing barn and it is twice the required distance from any adjoining property owners set by the ordinance. Mr. Lloyd Harmon, Cecil County Health Department stated the rezoning should be done first, and then apply for a special exception for a kennel if rezoning is approved. Mr. Iwerson presented letters to the Planning Commission in support from some of his neighbors.

Health Department Report- permit D6648 was issued in 1994 for a dwelling served by on-site water and sewer. Before operating the kennel, submit a dog-waste management plan to the Cecil County Health Department. The Cecil County Health Department has no objection to this request.

COMMENTS IN SUPPORT: William Waldorf, 1025 Lombard Road, Rising Sun, MD stated he has known the Iwerson's for nine (9) years and they have been good helpful neighbors with a strong sense of community. Mr. Waldorf believes a small indoor kennel would be an asset to the area.

COMMENTS IN OPPOSITION: Richard Wilson, 1061 Lombard Road, Rising Sun, MD is opposed to the small kennel, the Iwerson's have been good neighbors since 1993 but he feels a small commercial kennel does not belong in an established rural residential neighborhood. It will negatively affect property value, the character and the appearance of the neighborhood. There would be more traffic and more noise.

Bradley Reisinger, 1005 Lombard Road, Rising Sun, MD stated the Iwerson's are great neighbors but he feels there will be noise and property values would be affected. Mr. Reisinger presented the Planning Commission with a petition with other neighbor's names in opposition.

Susan Grierfer, 1052 Lombard Road, Rising Sun, MD feels a kennel in the neighborhood will have a negative impact the rest of the adjoining property owners and is in opposition of the rezoning for a kennel.

Beth Molnar, 4043 Blue Ball Road, Elkton, MD does not live directly by the Iwerson's, but has some friends that have a kennel and this will affect the adjoining property owners in noise, odors, more traffic and property values.

Mr. Iwerson answered some of the concerns with the neighbors in opposition to the kennel, not the rezoning.

FILE:2012-06APPLICANT: Joanna Crouch.

PROPERTY LOCATION: 2066 Conowingo Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 6, TAX MAP: 10, PARCEL: 269, LOTS: 19 & 20.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Request to rezone .4831 from Rural Residential, (RR) to Business General, (BG).

PROPERTY OWNER: Joanna B. Crouch.

Dave Parrack, Esquire, 226 East Main Street, Elkton, MD representing Joanna and Dale Crouch, 12 Woodview Lane, North East, MD. Request to rezone .4831, parcel 269 from Rural Residential, (RR) to Business General, (BG). Mr. Parrack presented the following: As early as in 1963 prior, to any rezoning in Cecil County, this property was an Amoco Oil Gas Station. This property has always been commercial and used as a motor vehicle facility. The tax maps are incorrect, mapping error. This parcel 269 from 1993 to 2011 was zoned Business General, (BG) and with the mapping error was zoned Rural Residential, (RR).

Health Department Report – The Cecil County Health Department has no objection to this request.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTION:

FILE: 3622 - APPLICANT: Chris Kendall.

FOR: Renewal of a Special Exception to operate a sawmill.

PROPERTY LOCATION: 361 Leeds Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 118.

PROPERTY OWNER: Chris and Scott Kendall & Barbara Saletnig.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Cheryl Snuffer, 172 Sawmill Road, Landenberg, PA and Chris Kendall, 361 Leeds Road, Elkton, MD stated he is requesting a lifetime special exception for as long as he owns the property for a sawmill operation. He has a business license, sales and tax permit to sell firewood and hardwoods. Mr. Kendall has been out of work for

five (5) years and now he would like to use the sawmill for income. He had this special exception for the last seven (7) years.

Health Department Report – Building Permits F7597 and G1983 have been issued for pole barns in 2000 and 2002 respectively, with no sanitary facilities or water supply. If a commercial operation with employee is proposed, appropriate permits must be obtained and proper sanitary facilities must be provided. The Cecil County Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:

APPLICANT: David Iwersen.

FOR: Request to rezone 8.8 Acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

Staff recommended disapproval, no demonstrated mistake or change since the 2011 Comprehensive Rezoning.

ACTION: Motion made to disapprove with staff conditions by Miners, seconded by Doyle.

VOTE: Three to two to disapprove, motion carried.

APPLICANT: Joanna Crouch.

FOR: Request to rezone .4831 from Rural Residential, (RR) to Business General, (BG).

Staff recommended approval, based upon a mapping error in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by Wallace.

FOR: All in favor, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Chris Kendall.

FOR: Renewal of a Special Exception to operate a sawmill.

Staff recommended approval for three (3) years.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by Yust.

VOTE: All in favor, motion carried.

The meeting adjourned at 7:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 19, 2012, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

November 19, 2012

7:00 p.m.

PRESENT: Wiggins, (Vice Chairman), Doyle, Wallace, Yust, Miners, Broomell, (Ex-officio), Sennstrom, Houston and Bakeoven.

ABSENT: Doordan, (Chairman), Mullen, (Alternate) and Dempsey.

MINUTES- Motion made by Miners, seconded by Doyle and unanimously carried to approve the Monday, October 15, 2012, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3626 - APPLICANT: Jeannie L. Weitzel.

FOR: Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 14 Harmony Chapel Road, Conowingo, MD 21918, Election District: 7, Tax Map: 16, Parcel: 93.

PROPERTY OWNER: Paul A. & Jeannie L. Weitzel.

PRESENTLY ZONED: Rural Residential, (RR).

Jeannie Weitzel, 14 Harmony Chapel Road, Conowingo, MD stated she would like to put a hair salon in her home. It would be by appointment only, not walk-ins. Ms. Weitzel stated she has adequate parking for her clients. Days of operation will be Tuesday thru Saturday, 9:00 to 6:00.

Health Department Report – Sanitary Permit H3148 was issued in 2007 for a 3-bedroom dwelling served by on-site water and sewer. The septic system may have to be upgraded. Please contact the Health Department.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3627 - APPLICANT: Barbara F. DeMascio.

FOR: Renewal of a Special Exception to operate a dog training school.

PROPERTY LOCATION: 312 Middle Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 386.

PROPERTY OWNER: Barbara F. DeMascio.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Barbara DeMascio, 312 Middle Road, Elkton, MD would like to renew her special exception to operate a dog training school. This is not a kennel; clients come for training with their dogs. Ms. DeMascio has room for parking for up to twenty, (20) cars. She would like to have the renewal for as long as she owns the property.

Diana Broomell, (Ex-Officio) asked if she still has dog shows at Fair Hill.

Ms. DeMascio stated not any more she goes to Lums Pond in Delaware.

Health Department Report - A sand mound septic system is currently being deigned for this property. This office requires plans for dog waste for review.

Ms. DeMascio plans to add her daughters name to the deed so she can help with the business.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

SPECIAL EXCEPTIONS:

APPLICANT: Jeannie L. Weitzel.

FOR: Special Exception for a home occupation to operate a hair salon.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Miners, seconded by Yust.

VOTE: All in favor, motion carried.

APPLICANT: Barbara F. DeMascio.

FOR: Renewal of a Special Exception to operate a dog training school.

Staff recommended approval for as long as property owner owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Yust.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:15 p.m.

NEXT PLANNING COMMISSION MEETING: Due to a lack of agenda items, there shall not be a December meeting of the evening Planning Commission.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

**AGENDA
PLANNING COMMISSION
MONDAY, DECEMBER 17, 2012
ALTERNATE DATE: WEDNESDAY, DECEMBER 19, 2012
County Administration Building
The Elk Room
200 Chesapeake Blvd., Elkton, MD 21921
7:00 p.m.**

Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in December 2012.