

IN THE MATTER OF * BEFORE THE CECIL COUNTY
THE APPLICATION OF * BOARD OF APPEALS
DEBORAH CURRY * CASE NO.: 3890
(Variance) *

* * * * *

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Deborah Curry (the “Applicant”). Applicant seeks a variance from the road frontage requirement for a subdivided parcel at property owned by Applicant located at 148 Calvary Lane, Rising Sun, Maryland 21911, designated as Parcel 34, Block 4 on Tax Map 24 in the Fifth Election District of Cecil County (the “Property”), in an area zoned Northern Agricultural Residential (“NAR”).

Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

A. The variance requested is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.

B. Special conditions and circumstances exist that are peculiar to the land, buildings, or structures involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.

D. The variance request does not arise from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

Edward Bock appeared on behalf of the Applicant and testified that the variance is required to subdivide a 1 acre parcel from the existing 7 acre parcel so that a family member can construct a residence. The Property has no county road frontage and is on a private lane that services 8 residences. The subdivided parcel will also exit onto the private lane, and will be improved with a 1000 square foot rancher. There are no complaints from neighbors regarding the proposed variance.

No one appeared in opposition to or in favor of the application.

From the evidence presented the Board is satisfied that the criteria set forth in Section 306 has been met, and makes the following findings:

1. The variance request is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance. Although the Property is of sufficient size to subdivide as proposed, the proposed subdivision cannot satisfy the road frontage requirements.

2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in the same zone. The location of the proposed parcel and the location of the private road that would service it are unique to the parcel.

3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. Other owners of parcels of equal size to the Property are able to subdivide their property in the manner proposed by Applicant.

4. There is no evidence that the variance request arises from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **GRANTED**.

9/25/18
Date


Mark Saunders, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Aug 2018
FILE NO. 3890

Received

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

JUL 19 2018

DATE FILED: 7/19/18
AMOUNT PD: 8200.00
ACCEPTED BY: JB

Cecil County Office
of Planning & Zoning

A. APPLICANT INFORMATION

Deborah Curry
APPLICANT NAME - PLEASE PRINT CLEARLY

148 Calvary Lane Rising Sun, Md 21911
ADDRESS CITY STATE ZIP CODE

* Deborah A. Curry 410 967 6909
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Deborah Curry
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

148 Calvary Lane Rising Sun Md 21911
ADDRESS CITY STATE ZIP CODE

* Deborah A. Curry 410 967 6909
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

148 Calvary Lane 05 029082
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

24 4 34 7 NAR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Calvary Lane is a private lane connected to a County Road (Ebenezer Church Rd) We have 7 acre lot on Calvary. A VARIANCE TO ROAD FRONTAGE REQUIREMENTS FOR SUBDIVISION PURPOSES.

E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.

F. LAND USE DESIGNATION

- Is property in the Critical Area? YES NO
- If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: _____
- Is property in the 100 year Floodplain? YES NO
- Is property an Agricultural Preservation District? YES NO

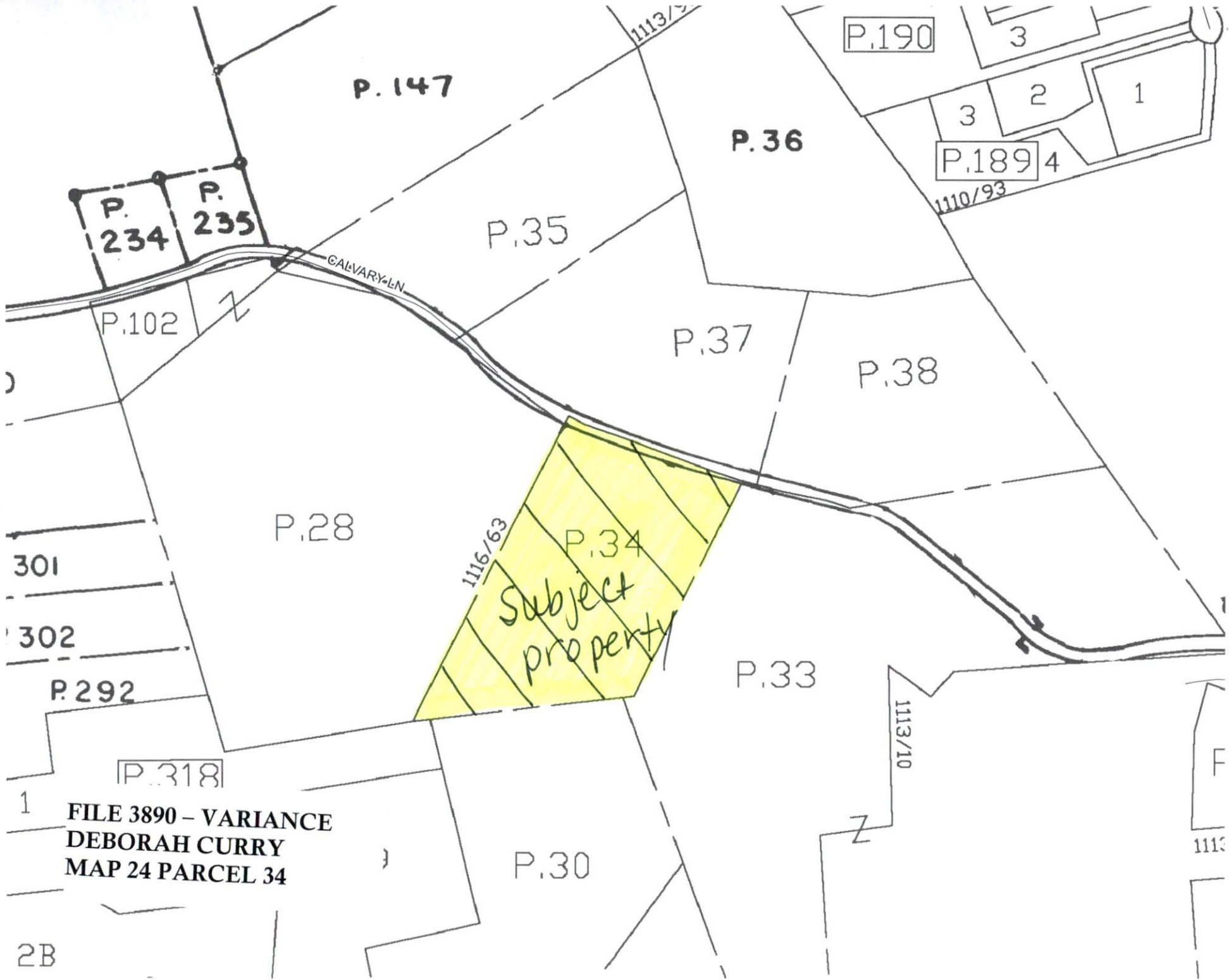
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: ARTICLE A.I. §306

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: _____

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

- Will unit be visible from the road? Please select... If yes, distance: _____
- Will unit be visible from adjoining properties? Please select. If yes, distance: _____
- Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
- Number of units on property at present time: _____



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Subject property

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FILE 3890 - VARIANCE
DEBORAH CURRY
MAP 24 PARCEL 34

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