

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
DARRYL PEARCE	*	CASE NO.: 3907
	*	
(Variance)	*	
* * * * *	*	* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Darryl Pearce (the “Applicant”). Applicant seeks a variance from the rear-yard setback requirement at property located at 126 Long Point Boulevard, Earleville, Maryland 21919, designated as Parcel 315/401, Block 3, Lot 230A & 231A on Tax Map 52, in the First Election District of Cecil County (the “Property”). The Property is in an area zoned Village Residential (“VR”) and is owned by Joseph R. and Lisa K. Rinker.

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

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

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

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

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

Applicant and Joseph R. Rinker appeared in favor of the application. Applicant seeks to construct an outbuilding on the Property. The initial proposal placed the building within the setback; however, due to the location of the residence and the existing well, the building cannot be constructed within the setback buffer. The building must be relocated to account for the placement of the well. Accordingly, Applicant seeks a 16 foot variance from the rear yard setback requirement in order to construct the outbuilding.

No one appeared in favor of the application.

John Pudlinski, who owns the adjoining property, testified in opposition. Mr. Pudlinski testified that rather than seeking the variance, the property owner could relocate the well.

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, the dimensions of the Property and the location of the well render Applicant unable to construct an outbuilding on the property without a variance from the rear-yard setback requirement. Other properties of the size of the Property are able to construct outbuildings in the manner proposed by the Applicant and without a variance Applicant will not be able to move forward with construction of the outbuilding.

2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in

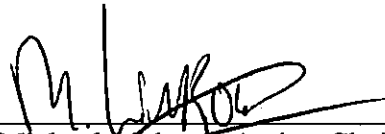
the same zone. Due to the location of the residence and the well, the proposed outbuilding cannot be constructed without the requested rear-yard setback variance.

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 construct outbuildings on their property in the manner proposed by Applicant.

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

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

11/27/18
Date


Michael Lakous, Acting Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

Received

MEET. MONTH: Oct 2018
FILE NO. 3967

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

SEP 20 2018

DATE FILED: 9/20/18
AMOUNT PD: \$200.00
ACCEPTED BY: [Signature]

Cecil County Office
of Planning & Zoning

A. APPLICANT INFORMATION

Darryl Pearce
APPLICANT NAME - PLEASE PRINT CLEARLY

PO 138 EARLEVILLE MD 21919
ADDRESS CITY STATE ZIP CODE

Darryl Pearce 443-553-3428
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

JOSEPH R + LISAK RINKER
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

126 LONG POINT BLVD EARLEVILLE MD 21919
ADDRESS CITY STATE ZIP CODE

Joseph R. Rinker 443-553-3428
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

126 LONG POINT BLVD EARLEVILLE MD 01 011022/017489
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

52 3 315/401 231A/230A .184/.174 VR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

A 16' rear yard setback variance for construction 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.

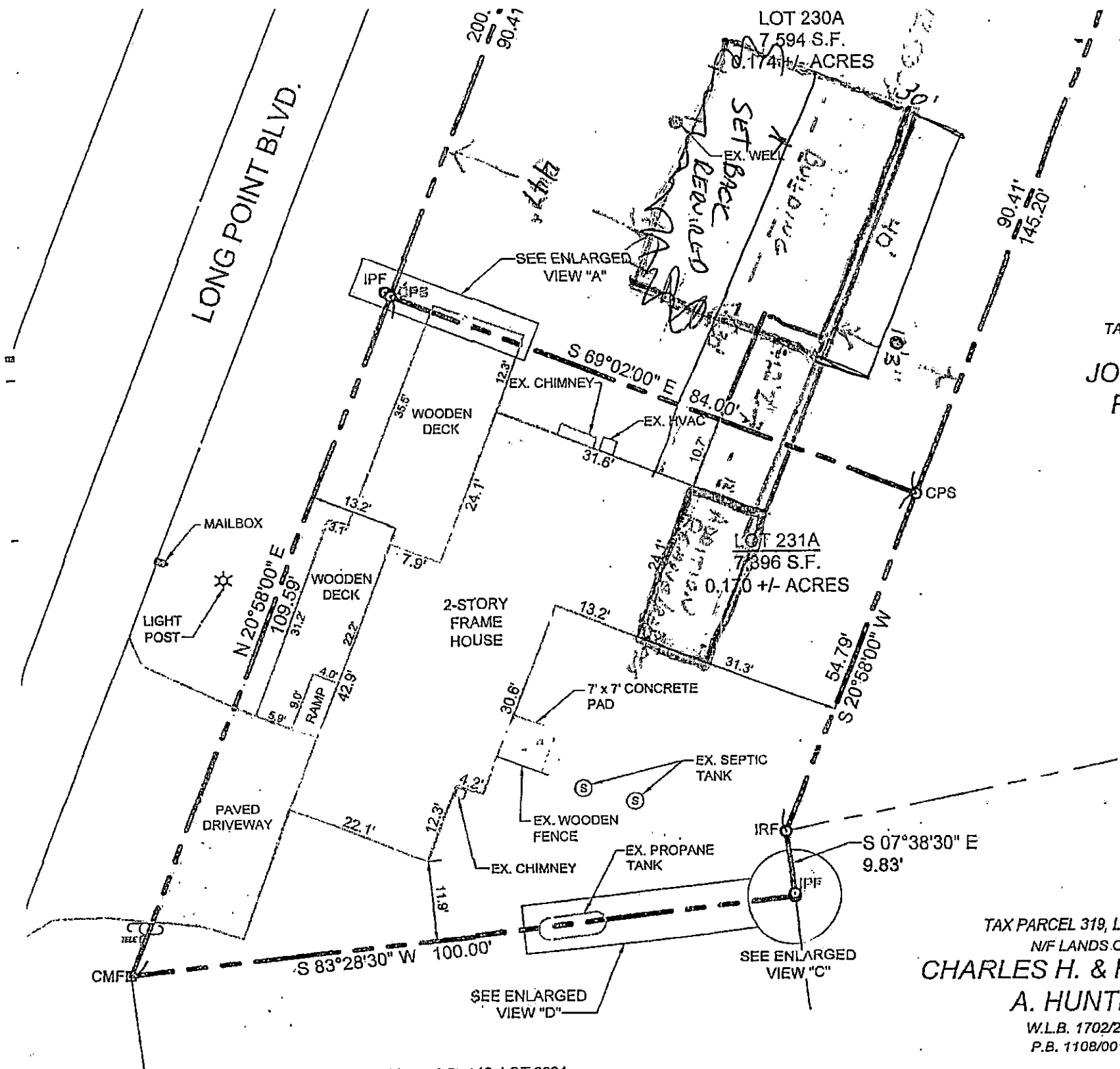
G. PROVISION OF ZONING ORDINANCE: Art XVII, Pt. I, §306

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: _____

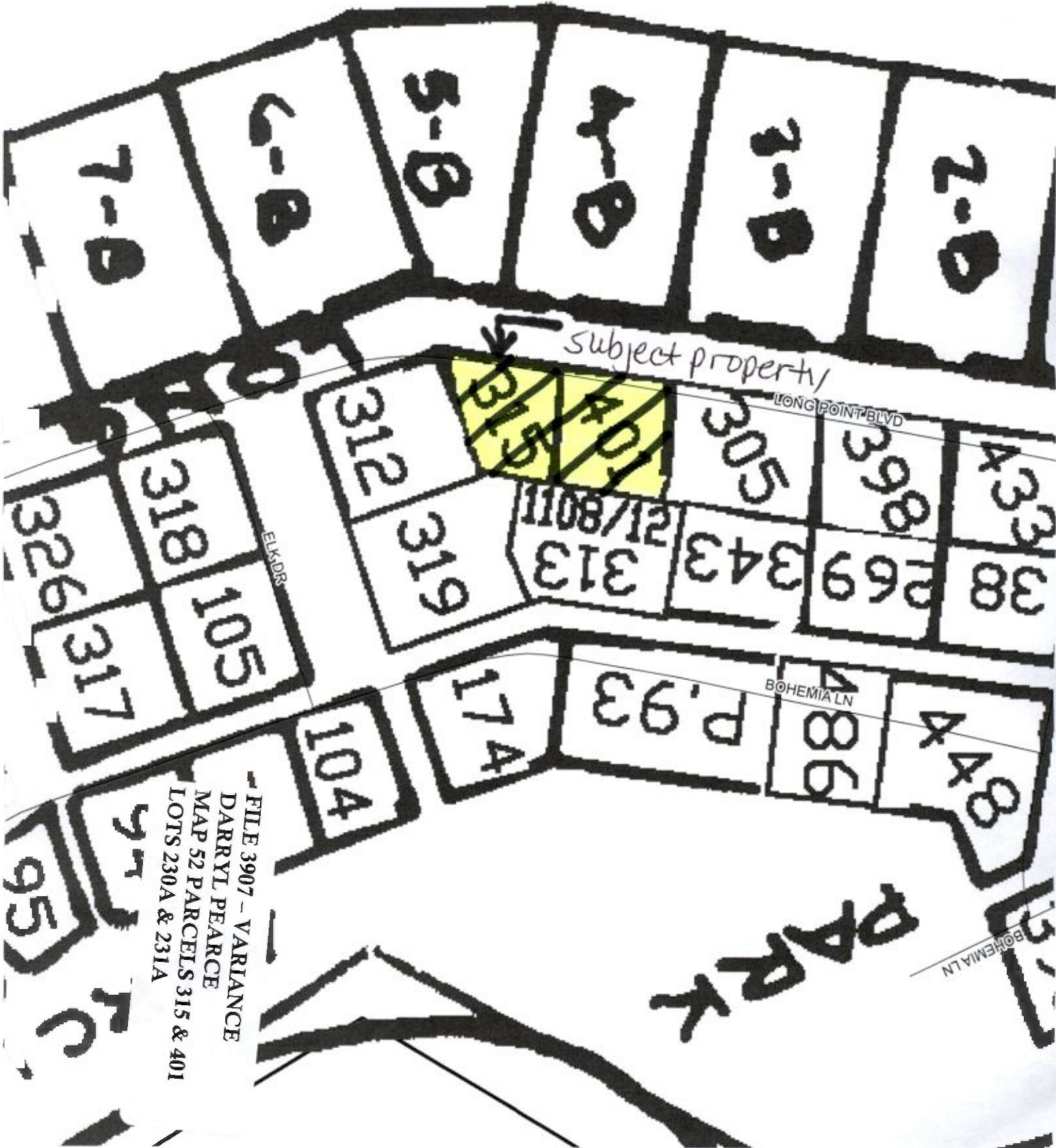
211832278



TAX PARCE
N/F L
**JOHN K.
PUDLI**
D.W.L.
P.B.

TAX PARCEL 319, LOT 212A
N/F LANDS OF
**CHARLES H. & REBE
A. HUNTER**
W.L.B. 1702/247
P.B. 1108/0012

MAP 2004



subject property

LONG POINT BLVD

ELSDOR

BOHEMIA LN

BOHEMIA LN

PARK

-FILE 3907 - VARIANCE
DARRYL PEARCE
MAP 52 PARCELS 315 & 401
LOTS 230A & 231A

2-B

3-B

4-B

5-B

6-B

7-B

A333/38

368 P69

305 343

1108/21/8011
313

319

312

318

105

326

317

A48

486

P.93

174

104

97

95