

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
CHRISTOPHER VARELL AND STEPHANIE SAMS	*	CASE NO.: 3915
	*	
(Appeal)	*	
	*	
* * * * *		

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Christopher Varell and Stephanie Sams (the “Applicants”). Applicants appeals the October 19, 2018 decision of the Zoning Administrator denying building permit 2018-31965 on Property owned by the Applicants, located at 200 Delaware Avenue, North East, MD 21901. The Zoning Administrator denied a building permit based upon the placement of the carport within the 25 foot front yard setback buffer.

Dwight E. Thomey, Esq. appeared on behalf of Applicants in opposition to the Zoning Administrator’s decision. After hearing evidence and testimony related to the Applicants’ property, the location of the existing carport, and the pending purchase of an adjoining parcel of land by the Applicants, the Board finds that the evidence presented establishes that the carport for which the building permit is sought is placed such that it is located partially on Applicants’ property and partially on an adjoining parcel that is currently a paper road known as Heisler Avenue. Accordingly, the Zoning Administrator’s determination that the carport encroaches upon the 25 foot front yard setback requirement was correct. For that reason, the Board will affirm the October 19, 2018 decision of the Zoning Administrator.

For the reasons set forth herein the October 19, 2018 decisions of the Zoning Administrator are hereby **AFFIRMED**.

1/29/19

Date



Mark Saunders, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Dec 2018
FILE NO. 3915

Received

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

157 01 2018

DATE FILED: 11/11/18
AMOUNT PD: \$1200.00
ACCEPTED BY: JB

Dwight Thomey, Esq.

A. APPLICANT INFORMATION

Cecil County Office
of Planning & Zoning

Christopher Varell and Stephanie Sams

APPLICANT NAME - PLEASE PRINT CLEARLY

200 Delaware Avenue North East MD 21901
ADDRESS CITY STATE ZIP CODE

Christopher Varell Stephanie Sams (302) 722-1261
APPLICANT SIGNATURE PHONE NUMBER

Dwight E. Thomey 153 E. main St. Elkton, MD 21921 410-398-3536

B. PROPERTY OWNER INFORMATION

Christopher Varell and Stephanie Sams

PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

200 Delaware Avenue North East MD 21901
ADDRESS CITY STATE ZIP CODE

Christopher Varell Stephanie Sams (302) 722-1261
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

Heisler Avenue

TAX MAP #	BLOCK	PARCEL	LOT #	#ACRES	ELECTION DIST.	ACCT. NUMBER	ZONE
<u>31</u>	<u>19</u>	<u>1336</u>	<u>35 & 36</u>	<u>.1149</u>	<u>05-118743</u>	<u>LDR</u>	

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

Appeal of denial of building permit for carport. Applicants have property under contract to purchase pending plat approval and recordation, which will remove violation.

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: AG 2017, PZ 9305

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: _____

Office of the County Executive

Alan McCarthy
County Executive

Alfred C. Wein, Jr.
Director of Administration

Office: 410.996.5202
Fax: 800.863.0947



Department of Land Use & Development Services

Eric Sennstrom, AICP, Director
Office: 410.996.5220
Fax: 800.430.3829

Tony Di Giacomo, AICP, Chief
Office: 410.996.5220
Fax: 800.430.3829

County Information
410.996.5200
410.658.4041

CECIL COUNTY, MARYLAND

Division of Planning and Zoning
200 Chesapeake Boulevard, Suite 2300, Elkton, MD 21921

October 19, 2018

Christopher Varell
Stephanie H. Sams
200 Delaware Ave.
North East, MD 21901-5617

RE: Building Permit 2018-31965 (Tax Map 31, Grid 19, Parcel 1336, Section 9, Lot 29 – Heisler Ave. North East, MD 21901)

Dear Mr. Varell & Ms. Sams:

The Department of Land Use & Development Services, Division of Planning & Zoning had placed the above referenced permit on hold per a letter dated August 30, 2018. Specifically, the proposed placement of a carport is encroaching on the 25' front yard setback. The Division requested that you either submit a revised exhibit relocating the carport within the aforementioned setback, or submit an application for a Variance to the Board of Appeals. Neither the placement of the carport was revised nor has a variance application been submitted.

Therefore, Permit 2018-31965 is **Disapproved** per the requirements of Article XV, §284.2 of the Cecil County Zoning Ordinance. In addition, the matter is being referred to the Division of Permits & Inspections due to an outstanding building code violation.

If you are aggrieved by this decision, you have fifteen (15) days from the date of this notice to file an appeal with the Cecil County Board of Appeals. The cost of an appeal is \$250, and I have included an application for your convenience. You may review the specific text of the aforementioned sections of the Cecil County Zoning Ordinance on the County's website at <http://www.ccgov.org/home/showdocument?id=1288>

Should you have any questions please feel free to call or email me at soconnor@ccgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. O'Connor".

Stephen J. O'Connor, AICP
Zoning Administrator
Cecil County MALPF Program Administrator

www.ccgov.org

Cc: Division of Permits & Inspections
Environmental Health Department
Dwight Thomey, Baker, Thomey & Emery, P.A. 153 E. Main St. Elkton, MD 21921

Enc: Board of Appeals application

CERTIFIED MAIL



Subject Property

**FILE 3915 - APPEAL
CHRISTOPHER VARELL
STEPHANIE SAMS
MAP 31 PARCEL 1336
LOTS 35 & 36**

GREDR