

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
JAMES E. BACKERT, JR.	*	CASE NO.: 3933
	*	
(Special Exception – RR)	*	

* * * * *

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of James E. Backert, Jr. (the “Applicant”). The Applicant seeks to renew a special exception to place a single-wide mobile home on the property he owns located at 121 Remington Road, Port Deposit, MD 21904, consisting of approximately 3.652 acres and designated as Parcel 549, Block 1, Lot 26 on Tax Map 28 in the Seventh Election District of Cecil County (the “Property”), in an area zoned Rural Residential (“RR”) in accordance with Article V, Part III, Section 71 of the Cecil County Zoning Ordinance (the “Ordinance”).

Section 71 of the Ordinance provides:

Section 71. Dwelling - Manufactured Home - Single-wide (3.01.300)

1. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, LDR, ST, and UR zones provided that the manufactured home is for an employee of an agricultural operation conducted on the parcel where the manufactured home is to be located.

2. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, LDR, ST, and UR zones provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

3. A single-wide manufactured home may be permitted as a Special Exception in the BL, BG, BI, EMU, M1, M2 and MEA zones provided that the manufactured home is for the purposes of providing security for a business or industry conducted on the parcel where the manufactured home is to be located.

4. A single-wide manufactured home may be permitted as a special exception in the MH zone provided that a manufactured home presently exists on the property and provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For the purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

Applicant appeared and testified that he is seeking to renew a special exception to place a single-wide trailer on his property for hardship purposes. Applicant testified that the prior special exception was granted to allow for his mother-in-law to reside in the trailer. His mother-in-law since passed; however, he seeks renewal to permit his 85 year old mother to reside with him. His mother was a Cecil County resident who now resides with Applicant's sister in Baltimore due to her age and infirmity. The trailer remains in the same location. He has received no complaints from neighbors.

No further witnesses testified in favor or in opposition to the application.

Bryan Lightner, Zoning Administrator, testified that the Office of Planning and Zoning Staff and the Planning Commission recommended approval of the special exception for as long as the applicant owns the Property and his mother resides in the manufactured home.

Pursuant to Section 71.2 of the Ordinance, the Board finds that the Property is located within the RR zone. The Board further finds that, based upon the circumstances for the Applicant's mother, a hardship exists involving an immediate family member of the Applicant.

Pursuant to Section 311 of the Ordinance, the Board finds as follows:

1. The special exception is not detrimental or an endangerment to the public health, safety, or general welfare. The proposed use is on a Property in an area suitable to the use. The Property consists of several acres, which provides well enough space for the proposed use and that the nature of the use itself is not inherently injurious to the public health, safety, or general welfare.

2. The use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, or substantially diminish or impair property values in the

neighborhood. There is nothing in the nature of the placement of the mobile home that would diminish or impair property values in the neighborhood or otherwise impair the peaceful use and enjoyment of neighboring properties.

3. The use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone. The Board does not find that the placement of a mobile home is an impediment to the preservation of the character of the area or to the reasonable and orderly residential development permissible within the RR zone.

4. Nothing in the record indicates that the proposed use will overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements.

5. The proposed use will not adversely affect critical natural areas or areas of ecological importance because the Property is not located in a Critical Area District.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located. Based upon the evidence presented, the placement of a mobile home as contemplated by Applicant is not inconsistent with neighboring uses.

7. The particular use proposed at the particular location proposed will not have any adverse effects above those inherently associated with such special exception use, irrespective of its location in the zone. *Schultz v. Pritts*, 291, Md. 1 (1981). The Board finds that, because of the residential density of the zone and the nature of the activities undertaken in the area, the impact of Applicant's proposed placement of a mobile home in this particular area of the RR zone is no different than the placement of a mobile home in other areas of the RR zone.

8. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets. No evidence was presented

evincing issues related to traffic and parking.

9. The use is not contrary to the objectives of the Comprehensive Plan for the County. The special exception is presumptively valid and the Board finds nothing in the record to indicate that the proposed use is contrary to the objectives of the Comprehensive Plan.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article V, Part III, Section 71, and Article XVII, Part II, Section 311, of the Ordinance have been met and the application for the special exception to place a mobile home on the Property is therefore **APPROVED** for as long as the applicant owns the Property and his mother resides in the manufactured home.

All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.

5/28/19
Date

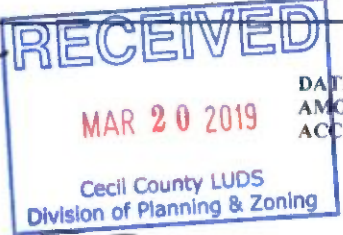

Mark Saunders, Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: APRIL 2019
FILE NO. 3933

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL



DATE FILED: 3/20/19
AMOUNT PD: \$250.00
ACCEPTED BY: [Signature] #1623

A. APPLICANT INFORMATION

JAMES E. BACKERT JR.
APPLICANT NAME - PLEASE PRINT CLEARLY
121 REMINGTON RD PORT DEPOSIT, MD 21904
ADDRESS CITY STATE ZIP CODE
James E Backert Jr 443-877-7601
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

JAMES E. BACKERT JR.
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
121 REMINGTON RD PORT DEPOSIT MD 21904
ADDRESS CITY STATE ZIP CODE
James E Backert Jr 443-877-7601
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

121 REMINGTON RD PORT DEPOSIT, MD 21904 07 031815
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
23 01 0549 26 3.652 RR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

RENEWAL OF EXISTING EXCEPTION FOR MY MOTHER HARRIET BACKERT (see separate sheet)
Special Exception to place a SWMH on the property for in-laws.

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 II, SECTION 71, ARTICLE XVII, PART II, SECTION 311

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: #3885 & 3774

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

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

Attention:

Cecil County, Maryland

Division of Planning & Zoning

March 19, 2019

Dear Board Members;

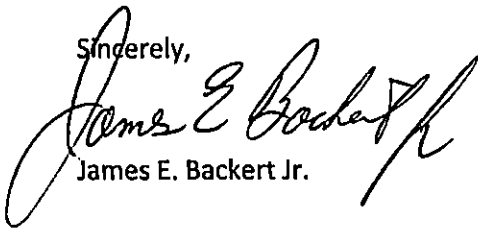
I recently received notice and condolences from your department on the passing of my mother-in-law Mrs. Betty King. She had been residing in a mobile home on our property that was approved by a special exception renewal, File number 3885.

I would ask your permission to extend and revise the current special exception to now include my mother Harriet M. Backert, who is 85 years old and currently living with my sister in the Baltimore Co. area. It is my intent to share some of the responsibility along with my sister to care for our mother. It is our intention to have Harriet spend time at each location. This was not possible when my wife's mother was still living. Since this is only a change of the current renewal is it possible to extend the special exception without going through the appeal process.

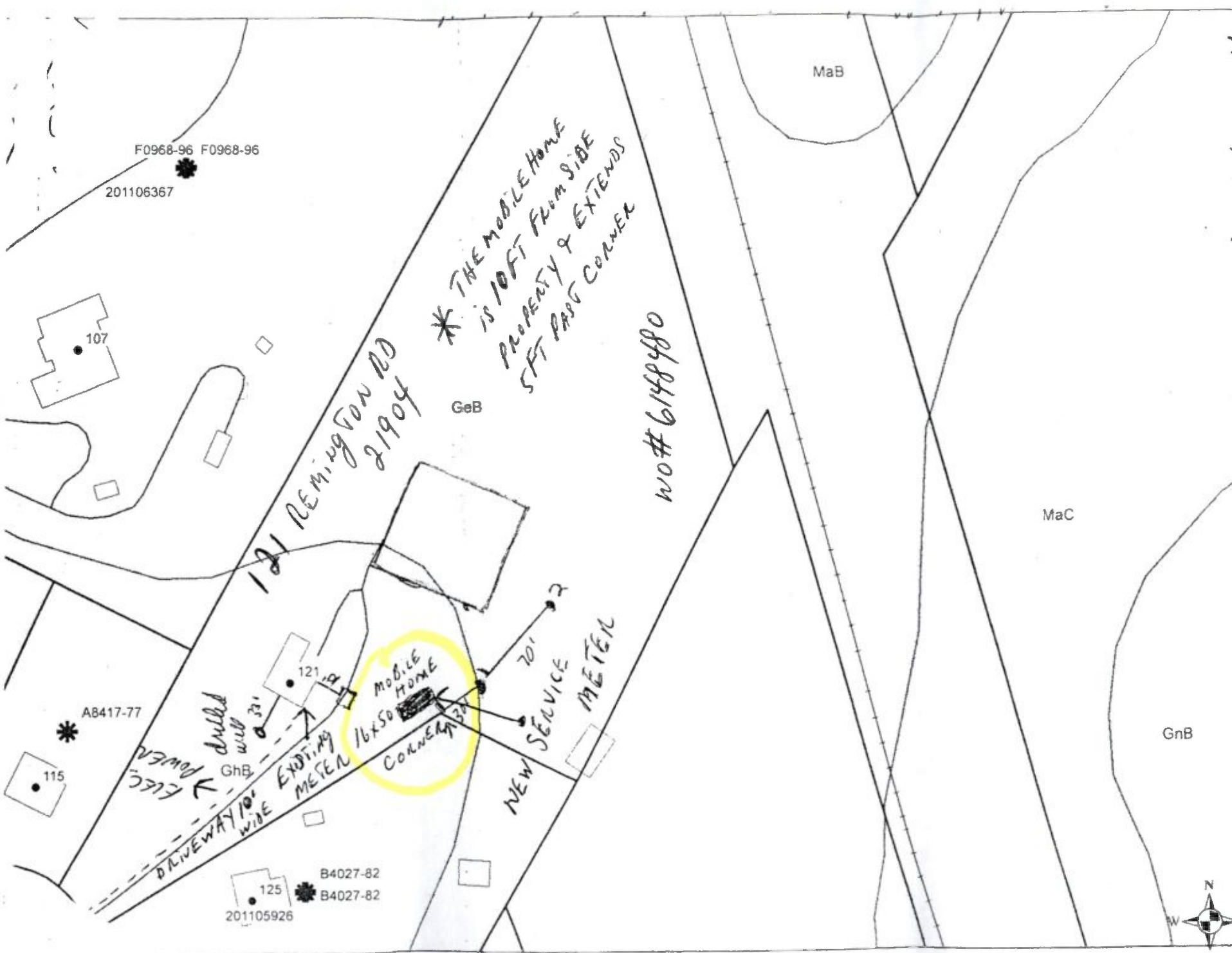
We have not yet moved all my mother-in-law's belongings from the premises and would need time to sell the mobile home and would request an extension if this is not approved.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Backert Jr.", written in a cursive style. The signature is positioned above the printed name.

James E. Backert Jr.



F0968-96 F0968-96

201106367

107

121 REMINGTON RD
21904

* THE MOBILE HOME
IS 10 FT FROM SIDE
PROPERTY & EXTENDS
5 FT PAV CORNER

WO# 6148480

MaC

GnB

A8417-77

115

dubld wld
ELEC. POWER
DRIVEWAY 10' WIDE
ENDING METER
NEW SERVICE METER

MOBILE HOME
16x50
CORNER 31'

NEW SERVICE METER

B4027-82

B4027-82

125
201105926

1 inch = 100 feet



1/5/16 Gmb plans on putting in a (1) bedroom mobile in rear yard. Tied for an additional 20' from corner. Also proposed trench to be into existing Septic

P.518

45

601:48

1113/3

Subject Property

NDS6/75

26

P.22

1113/9
1113/c

P.

O.S.

12A

LOUISE

9

10

11

13A

14

27

P.549

P.22

28

O.S.

1112/38

6

O.S.

CANDICE DR

5

7

1

497

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32

FILE 3933
SPEC EXCEPTION RENEWAL
JAMES E. BACKERT, JR.
MAP 23 PARCEL 549 LOT 26