

IN THE MATTER OF  
THE APPLICATION OF  
PAUL F. MILLER

\* BEFORE THE CECIL COUNTY  
\* BOARD OF APPEALS  
\* CASE NO.: 3948

(Variance)

\* \* \* \* \*

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Paul F. Miller (the “Applicant”). Applicant seeks a variance from the side-yard setback requirement at property located at 32 Bonney Shores Rd., Elkton, MD 21921, designated as Parcel 199, Lot 3 on Tax Map 42 in the Fifth Election District of Cecil County (the “Property”). The Property is in an area zoned Northern Agricultural Residential (“NAR”) and is owned by the Applicant and Rhandi V. Miller.

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 appeared and testified seeking a ten (10) foot side yard and rear yard setback variance. Applicant testified that he intends to build a lean-to roof shelter for lawn and snow equipment. Applicant stated the structure will replace unsightly tarps which are currently being used. Applicant added that the structure will be almost incapable of being seen from surrounding properties due to several pine trees that shield the location from sight. There is no other reasonable location for the proposed shelter as the lean-to roof will be built using an existing fence on the property as the foundation

An adjacent neighbor submitted a written notice of opposition to the Board prior to the hearing on July 23, 2019, wherein the neighbor expressed concerns regarding water runoff and the height of the proposed structure. The Board addressed both concerns at the hearing, and the applicant testified that the proposed structure would not exceed the height of the existing fence, and that the roof would slant into the applicant's property rather than toward any neighboring property.

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 location and use of the fence as the foundation for the shelter, renders it impracticable to build the structure elsewhere.

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 property lines, the proposed structure cannot be constructed without the requested side-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.

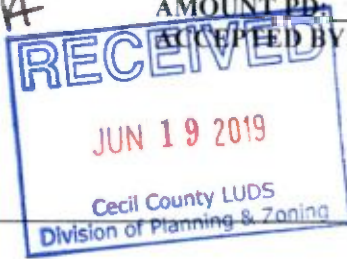
For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **GRANTED**.

8/27/19  
Date

  
Mark Saunders, Chairperson

( ) July 2019 BOH  
(X) File # 3948  
( )

AMOUNT PAID: \$200.00  
ACCEPTED BY: JB



**A. APPLICANT INFORMATION**

Paul F. Miller  
APPLICANT NAME - PLEASE PRINT CLEARLY  
32 Bonney Shores Rd Elkton MD 21921  
ADDRESS CITY STATE ZIP CODE  
Paul F. Miller Cell 443-466-8666  
APPLICANT SIGNATURE PHONE NUMBER  
Home 410-620-4894

**B. PROPERTY OWNER INFORMATION**

Rhandi V. Miller / Paul F. Miller  
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
32 Bonney Shores Rd Elkton MD 21921  
ADDRESS CITY STATE ZIP CODE  
Rhandi V. Miller / Paul F. Miller Cell 443-466-3415  
PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

32 Bonney Shores Rd Elkton MD 21921 5th 025133  
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
42 14 199 3 .56 MAR  
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

I am requesting a variance for side yard setback, to build a lean-to roof to keep equipment (tractor, snow plow attachment, misc dryer from rain and snow. This roof will look better than ripped tarps which are being used presently and be almost unseen as protected by several pine trees.

**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:  YES  NO  
Is property in the 100 year Floodplain?  YES  NO  
Is property an Agricultural Preservation District?  YES  NO

BB

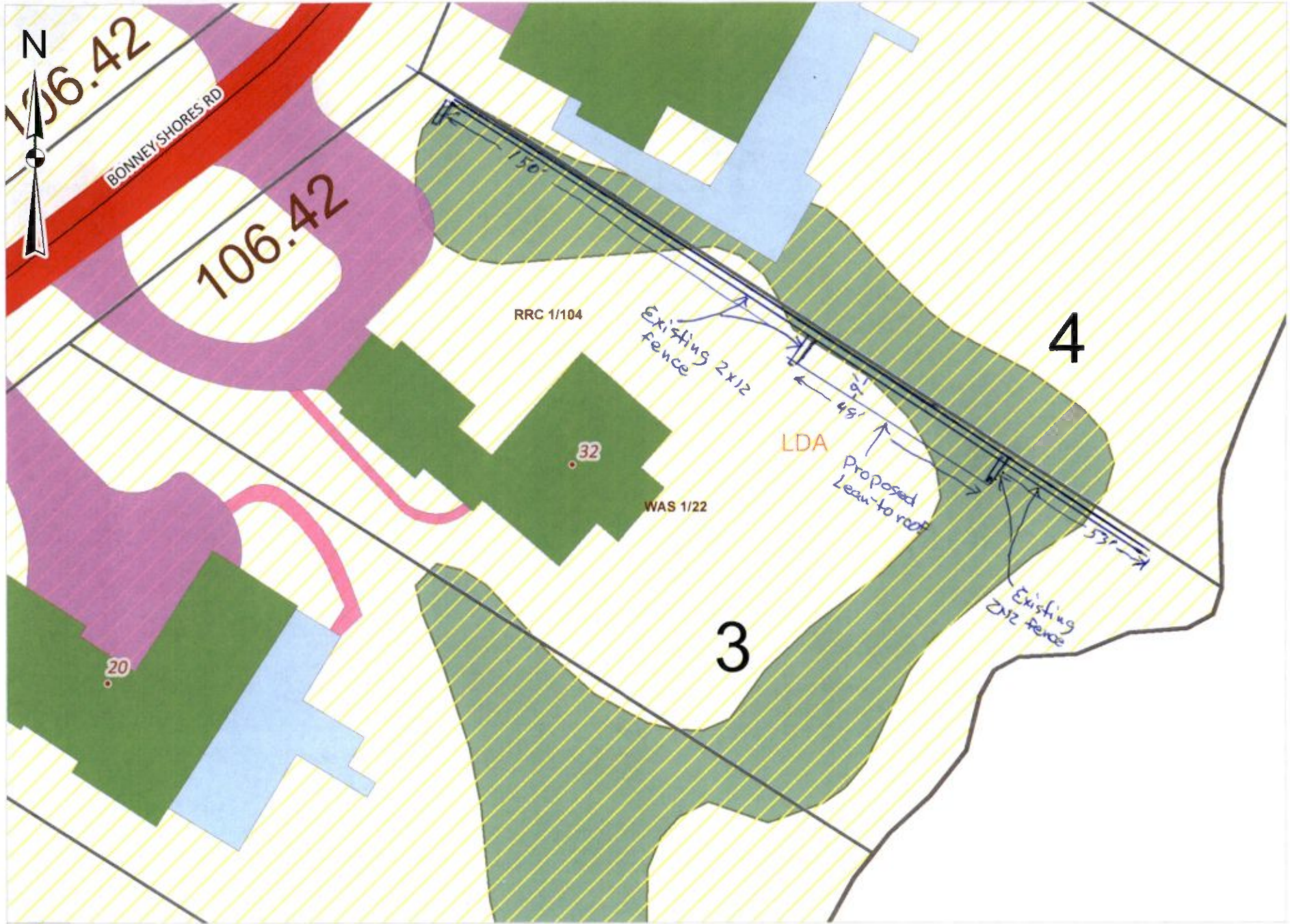
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

**G. PROVISION OF ZONING ORDINANCE:** Section 306

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: \_\_\_\_\_

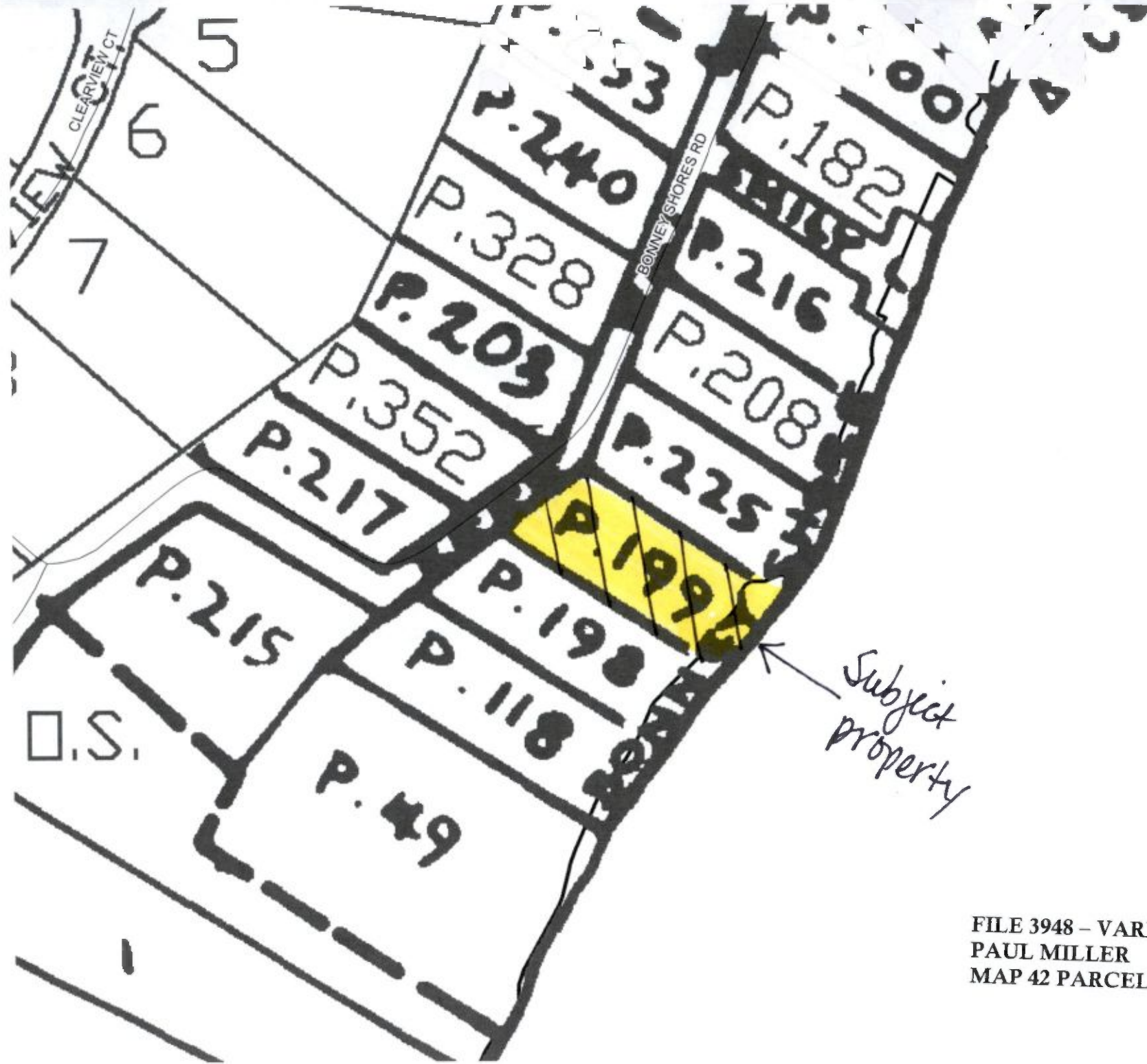
**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

..... Please select .....



Disclaimer: Cecil County Government makes no warranty regarding the spatial data displayed on this exhibit. Although the County strives to make accurate and current data available on this exhibit, the user understands that this is not a survey of subject property and is for informational purposes only.

1 inch = 30 feet



FILE 3948 - VARIANCE  
PAUL MILLER  
MAP 42 PARCEL 199