

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
DAVID MEULENBERG	*	CASE NO.: 3984
	*	
(Variance – NAR)	*	
	*	
* * * * *		

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of David Meulenberg (“Applicant”), for a variance to the side yard setback requirement. The subject property located at 2183 Theodore Road, North East, MD 21901, being designated as Parcel 37 on Tax Map 18, in the Fifth Election District of Cecil County (“Property”), in an area presently zoned Northern Agricultural Residential (NAR). The Property is owned by Meulenberg Ventures, LLC.

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.

On December 23, 2019, Applicant appeared and testified in support of his application seeking variance. The specific request is for a twenty four (24) foot side yard setback variance to construct a shed for manure storage. The Property is 89 acres in size. Applicant testified in response to Board question that the nearest neighbor's home is on the north side approximately 1500-2000 feet away from the proposed construction area. Applicant further testified the location of the proposed shed was selected as far from any neighbor as possible to reduce or eliminate odor or other related nuisances resulting from the manure storage.

No witnesses spoke in favor of the Application.

Bonnie Isaac, a neighbor across the street, raised a concern for flies becoming a problem from the presence of chickens on the Property. The chickens are not subject of this application.

Tina Vaughn, neighbor, asked if a survey was required. A survey is not required for this 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 of facts:

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 the Ordinance.

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.

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.

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**.

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

1/28/2020
Date


Mark Saunders, Chairperson

BOARD OF APPEALS APPLICATION CECIL COUNTY, MARYLAND

MEET. MONTH: Dec 2019
FILE NO. 3984

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL



DATE FILED: 11/20/19
 AMOUNT PD: \$200.00
 ACCEPTED BY: JB

A. APPLICANT INFORMATION

David C Medlenberg
APPLICANT NAME - PLEASE PRINT CLEARLY

2183 Theodore Rd Northeast MD 21901
ADDRESS CITY STATE ZIP

[Signature] APPLICANT SIGNATURE 443 309 6479 PHONE NUM

B. PROPERTY OWNER INFORMATION

David C Medlenberg
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

2183 Theodore Rd Northeast MD 21901
ADDRESS CITY STATE ZIP

[Signature] PROPERTY OWNER SIGNATURE PHONE NUM

C. PROPERTY INFORMATION

2183 Theodore Rd Northeast 5 054036
PROPERTY ADDRESS ELECTION DIST. ACCT. I

18 18 37 89 NAR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZON

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

Shed for Manure storage would be within 100' set back,
A 24 FOOT SIDE YARD SETBACK VARIANCE FOR CONSTRUCTION PURPOSES.

E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show 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

If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: _____

Is property in the 100 year Floodplain? YES

Is property an Agricultural Preservation District? YES

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

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

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

I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME – Please fill out the following

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: _____ Rev

WETLAND FOREBAY
BOTTOM ELEV: 344.75
WIDTH 22 LF, LENGTH 220 LF
SIDE SLOPES 3:1, DEPTH: 2.0'

RIP-RAP PROTECTION
LENGTH: 10'
WIDTH: 10'

RIP-RAP INFLOW PROTECTION
LENGTH: 15'
WIDTH: 10'

23 PERCHES
N55°E
378.50' LOD

80' GRAVEL HEAVY USE AREA

24" DIA. LOCUST TREE FOUND

MANURE SHED
(100' LONG x 30' WIDE x 25' HIGH)
FF ELEV: 354.2

18" HDPE
180 LF @ 3.7%
I.E. IN: 351.4
I.E. OUT: 344.75

MORTALITY MANAGEMENT AREA

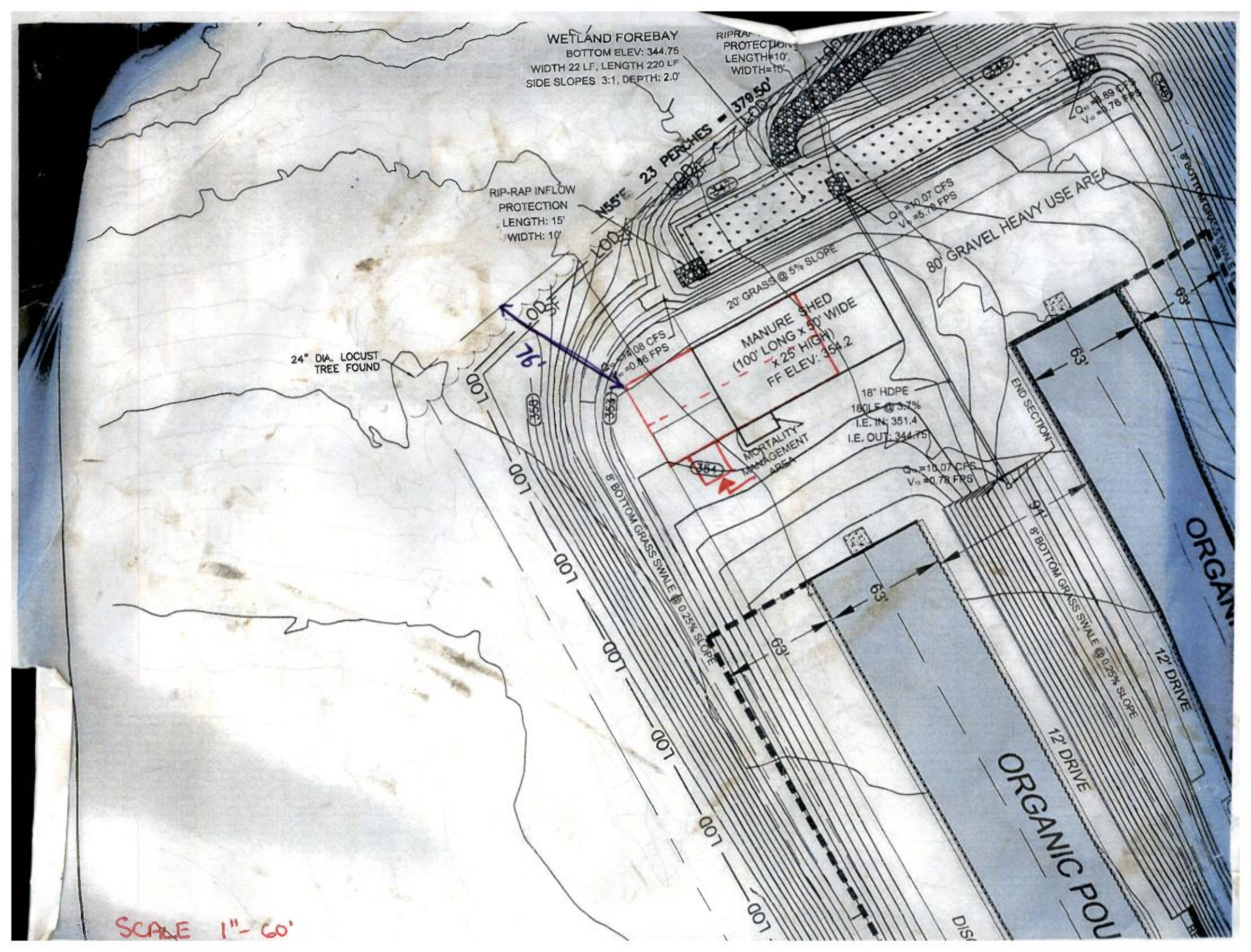
Q₁₀ = 10.07 CFS
V₁₀ = 20.78 FPS

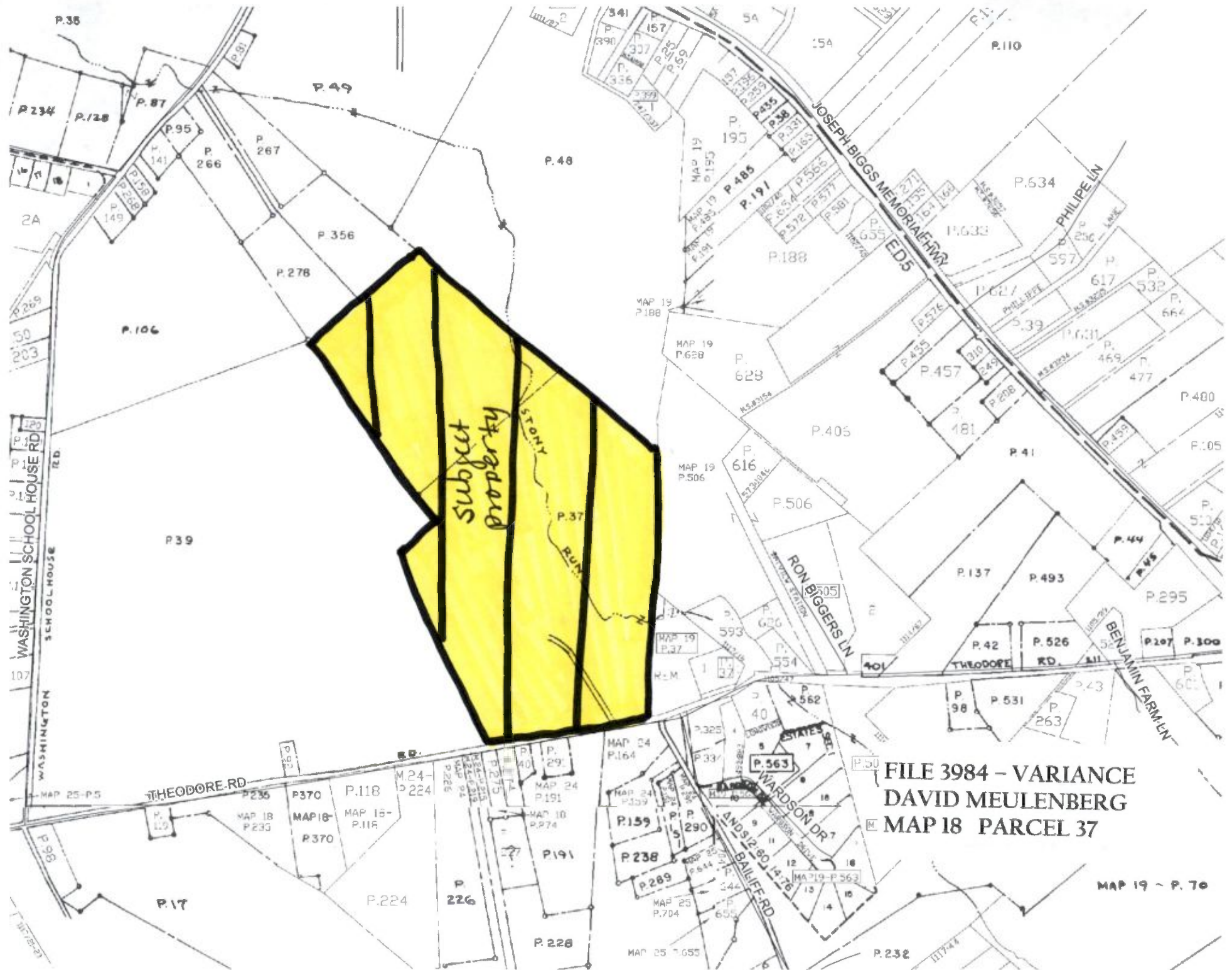
END SECTION

ORGANIC POU

ORGANIC POU

SCALE 1" = 60'





Subject Property

FILE 3984 - VARIANCE
DAVID MEULENBERG
MAP 18 PARCEL 37

MAP 19 - P. 70