

IN THE MATTER OF
WILLIAM & ERIKA HAWLEY
(Special Exception - NAR)

BEFORE THE CECIL COUNTY
BOARD OF APPEALS
CASE NO.: 3988

OPINION

Application of William and Erika Hawley (Individually “Hawley” or Collectively “Applicants”), for a special exception to place double wide manufactured home (“DWMH”) on property located at 3541 Telegraph Rd., Elkton, Maryland 21921, being designated as Parcel 637 on Tax Map 13, in the Fourth Election District of Cecil County, in an area presently zoned Northern Agricultural Residential (NAR) and owned by Applicants.

This application is brought under the provisions of Article XVII, Part II, Section 311 of the Ordinance which governs the application for and approval of special exceptions and Article V, Part III, Section 70.

Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board of Appeals after considering all facts in the case unless the following findings are made:

1. Such use or any operations thereto will not be detrimental to or endanger 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, nor substantially diminish or impair property values in the neighborhood.
3. The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone.

4. The use will not, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements.

5. The use shall not adversely affect critical natural areas or areas of ecological importance.

6. The use shall, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. That the particular use proposed at the particular location proposed, would not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (*Schultz v. Pritts*, 291 MD. 1)

8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the County.

Article V, Part III, Section 70 of the Ordinance states that double-wide manufactured homes shall be permitted as a principal structure in the NAR zone provided:

- a. the home has a length not less than 40 feet and a width not less than 24 feet;
- b. the pitch of the home's roof has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run, and the roof is finished with a minimum four (4) inch roof overhang;

c. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

d. The home is enclosed by a continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the home; and

e. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Applicants request a special exception to place a DWMH on the subject property for hardship purposes. Applicants testified that Erika Hawley is providing home care for her father, Ralph Jewell. The family resides in the mobile home pending plans to build a permanent residence on the Property when they are financially able to do so. Applicants further explained that the building plans were put on hold to compensate for the financial strain of caring for Erika's father. Applicants testified that the mobile home is landscaped and looks more like a ranch house than a mobile home.

No one spoke in opposition to the application. Bryan Lightner, Zoning Administrator, Cecil County, Maryland Department of Land Use and Development Services ("LUDS"), testified that the Division of Planning and Zoning recommends approval of the special exception for two years and the Planning Commission recommends approval of the special exception for two years after Ralph Jewell ceases to reside in the mobile home.

From the evidence, the Board makes the following findings of facts pursuant to the requirements of Section 311:

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare.

2. There was no evidence indicating that the use will be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor was there any evidence to demonstrate that such use will substantially diminish or impair property values in the neighborhood.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use.

4. There was no evidence indicating that the use will, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. Based on the foregoing, the Board finds that the proposed use will be consistent with the current use of the Property.

5. The proposed use will not adversely affect critical natural areas or areas of ecological importance. The Property is not in the Critical Area, the Critical Area Buffer, or the 100-year floodplain.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. The particular use proposed at the particular location proposed, will not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (*Schultz v. Pritts*, 291 Md. 1)

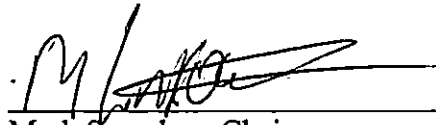
8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the County. As stated above, the Board finds that the Applicants meet all applicable provisions of the Ordinance.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311 of the Ordinance, as well as *Schultz v. Pritts*, 291 Md. 1 (1981) have been met. Applicants have met all of the requirements of Article V, Part III, Section 70 with regard to Manufactured Homes in NAR zoning. The application is therefore **APPROVED FOR TWO YEARS AFTER RALPH JEWELL CEASES TO RESIDE IN THE MOBILE HOME.**

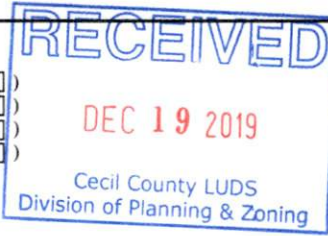
All applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.

2/25/20
Date


Mark Saunders, Chairperson for

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Jan 2020
 FILE NO. 3998



THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

DATE FILED: 12/19/19
 AMOUNT PD: _____
 ACCEPTED BY: [Signature]

A. APPLICANT INFORMATION

William Hawley
 APPLICANT NAME – PLEASE PRINT CLEARLY

3541 Telegraph RD Elktion MD 21921
 ADDRESS CITY STATE ZIP CODE

[Signature] Erika Hawley 302-438-7078
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

William Hawley
 PROPERTY OWNER NAME – PLEASE PRINT CLEARLY

3541 Telegraph RD Elktion MD 21921
 ADDRESS CITY STATE ZIP CODE

[Signature] Erika Hawley 302-438-7078
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

3541 Telegraph RD. Elktion MD 21921 04 029348
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

13 1 637 15.183 NAR
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Request of extension to the original request attached.
SPECIAL EXCEPTION RENEWAL FOR PLACEMENT OF A DWMH ON THE PROPERTY FOR HARSHIP 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: Article V, Part III, Section 70.5 ART. V, S. 71 / ART. XVII, PT. II, S. 311

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? No If yes, distance: _____
 Will unit be visible from adjoining properties? Yes If yes, distance: 41' PL. 2400' to house
 Distance to nearest manufactured home: NA Size/Model/Year of Unit: new, 65'x30'
 Number of units on property at present time: 0

ORIGINAL Application Approved in 2018

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: _____
FILE NO. _____

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

DATE FILED: _____
AMOUNT PD: _____
ACCEPTED BY: _____

A. APPLICANT INFORMATION

William Hawley Jr.

APPLICANT NAME - PLEASE PRINT CLEARLY

125 Brown Road	Perryville	MD	21903
ADDRESS	CITY	STATE	ZIP CODE

302.438.7078

APPLICANT SIGNATURE

PHONE NUMBER

B. PROPERTY OWNER INFORMATION

William Hawley Jr & Erika A. Hawley

PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

125 Brown Road	Perryville	MD	21903
ADDRESS	CITY	STATE	ZIP CODE

302.438.7078

PROPERTY OWNER SIGNATURE

PHONE NUMBER

C. PROPERTY INFORMATION

Telegraph Road, Elkton, MD 21921	04	029348
PROPERTY ADDRESS	ELECTION DIST.	ACCT. NUMBER

0013	001	637	15.183	NAR
TAX MAP #	BLOCK	PARCEL	LOT #	#ACRES
				ZONE

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

We are requesting a special exception due to the immediate need to care for aging parents who's health is declining. Erika's Hawley's father is struggling with Chronic Lymphocytic Leukemia while her mother is now diagnosed with bladder cancer. They will no longer be able to care for themselves without some assistance on a day to day basis and Erika will be the primary caretaker. The addition of the double-wide to the property will allow us to take care of Erika's father immediately and provide a residence close to our main house once finished.

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.

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G. PROVISION OF ZONING ORDINANCE: Article V, Part III, Section 70.5

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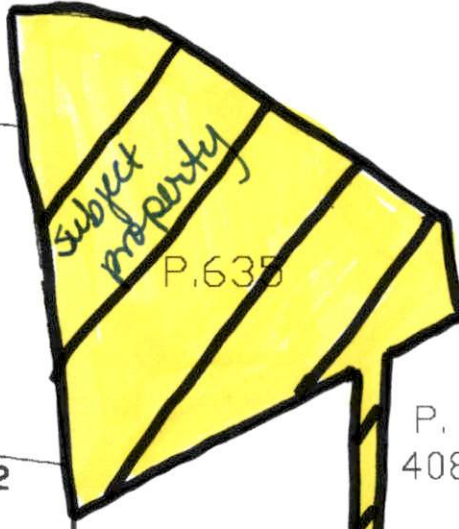
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- Distance to nearest manufactured home: NA Size/Model/Year of Unit: new, 65' x 30'
- Number of units on property at present time: 0

MAP 12-P.27

118/100

P.1



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TELEGRAPH RD

273

FILE 3988 - SPECIAL
EXCEPTION RENEWAL
WILLIAM, JR. & ERIKA
HAWLEY
MAP 13 PARCEL 637

LANDS 14:9

12

11

SEC. 3

10

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P. 314

MIDDLE RD

697/238

13A

P.758

26