

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
TRAVIS & ANGELA CARR	*	CASE NO.: 3999
	*	
(Variance – NAR)	*	
	*	
* * * * *		

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Travis and Angela Carr (“Applicants”) for a variance to the side yard setback requirement. The subject property located at 80 Rosewood Drive, Elkton, MD 21921, being designated as Parcel 8, Lot 17 on Tax Map 42, in the Fifth Election District of Cecil County (“Property”), in an area presently zoned Northern Agricultural Residential (NAR). The Property is owned by the Applicants.

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 May 26, 2020, Travis Carr appeared and testified via teleconference (due to Governor Hogan's COVID-19 Pandemic Stay At Home order of March 30, 2020) in support of his application seeking a seven (7) foot variance to the ten foot side yard setback requirement to construct an 18x24 foot detached garage in the rear of the Property. The Applicant testified that the shape of the Property would prevent them from building a garage in the most practical location without a variance. Carr further testified that the rear of the Property is adjacent to common area in the neighborhood, therefore it would not negatively impact a neighboring property owner and that he had gotten approval from the Home Owner's Association.

No other witnesses spoke in favor or in opposition of the 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 (the triangular shape of the Property), 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.

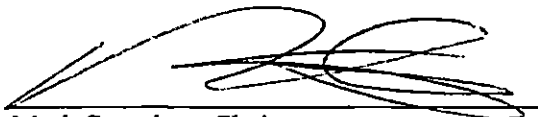
4. There is no evidence that the variance request arises from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

Board member Brad Carrillo abstained from voting on this matter due to a prior business relationship with the Applicant.

For the reasons stated, by unanimous vote (excluding Carrillo), 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.

6/22/2020
Date


Mark Saunders, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: May 2020
 FILE NO. 3999 J

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
 SPECIAL EXCEPTION
 VARIANCE
 APPEAL



DATE FILED: 4/9/2020
 AMOUNT PD: \$200
 ACCEPTED BY: JB

A. APPLICANT INFORMATION

Travis Xavier Carr & Angela Wall Carr
 APPLICANT NAME - PLEASE PRINT CLEARLY

80 Rosewood Drive Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE

APPLICANT SIGNATURE PHONE NUMBER

845-893-5975

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

Travis Xavier Carr & Angela Wall Carr
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

80 Rosewood Drive Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE

PROPERTY OWNER SIGNATURE - ALL PROPERTY OWNERS MUST SIGN PHONE NUMBER

845-893-5975

C. PROPERTY INFORMATION

80 Rosewood Drive
 PROPERTY ADDRESS

42 8 05-129427 17 05 129427
 TAX MAP # BLOCK PARCEL LOT # #ACRES ELECTION DIST. ACCT. NUMBER

NAR
 ZONE

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

We plan to construct a ^{2 car} car garage 18x24 and need approval since the structure will exceed the 10 foot set back requirement.
 We have notified our HOA of our plan and they have agreed to it. A 7' side yard setback variance for construction 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 DESIGNINATION

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

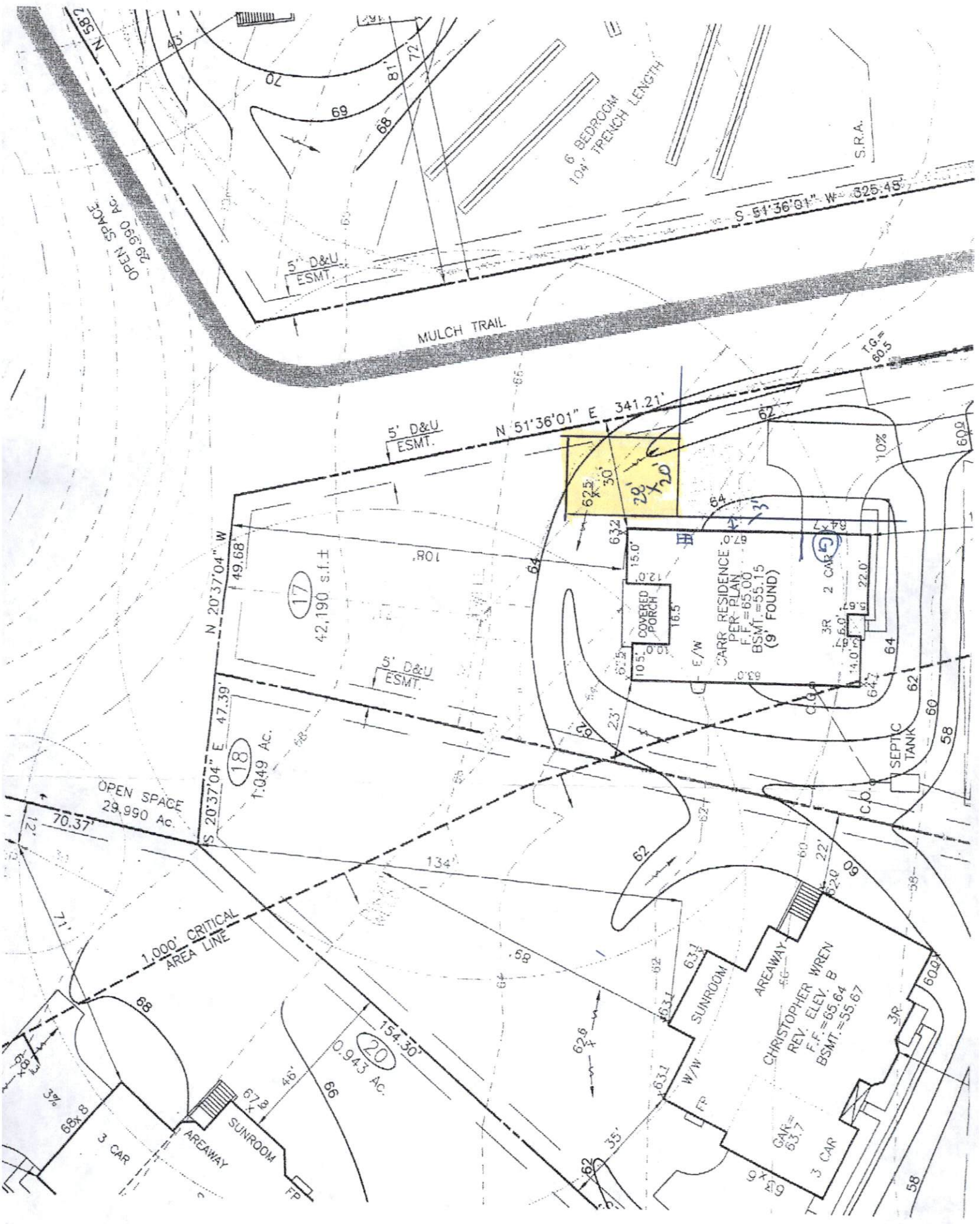
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: Art. XVII, Sect. Part 1, 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:

Will unit be visible from the road? Yes If yes, distance: _____
 Will unit be visible from adjoining properties? Yes If yes, distance: _____
 Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
 Number of units on property at present time: 1



OPEN SPACE
29,990 Ac.

5' D&U
ESMT.

MULCH TRAIL

5 BEDROOM
104' TRENCH LENGTH

S.R.A.

S 51°36'01\" W = 325.45'

5' D&U
ESMT.

N 51°36'01\" E 341.21'

T.G. = 90.5

N 20°37'04\" W
49.68'

42,190 s.f.±

5' D&U
ESMT.

62.5' x 30'
20' x 20'

CARR RESIDENCE
PER PLAN
F.F. = 65.00
BSMT. = 55.15
(9' FOUND)

3R 2 CAR

SEPTIC TANK

OPEN SPACE
29,990 Ac.

S 20°37'04\" E 47.39'

1.049 Ac.

1,000' CRITICAL
AREA LINE

154.30'
0.943 Ac.

CHRISTOPHER WIREN
REV. ELEV. B
F.F. = 65.64
BSMT. = 55.67

3R

SUNROOM

SUNROOM

AREAWAY

3 CAR

3 CAR

AREAWAY

SUNROOM

W/W

AREAWAY

3 CAR

3 CAR

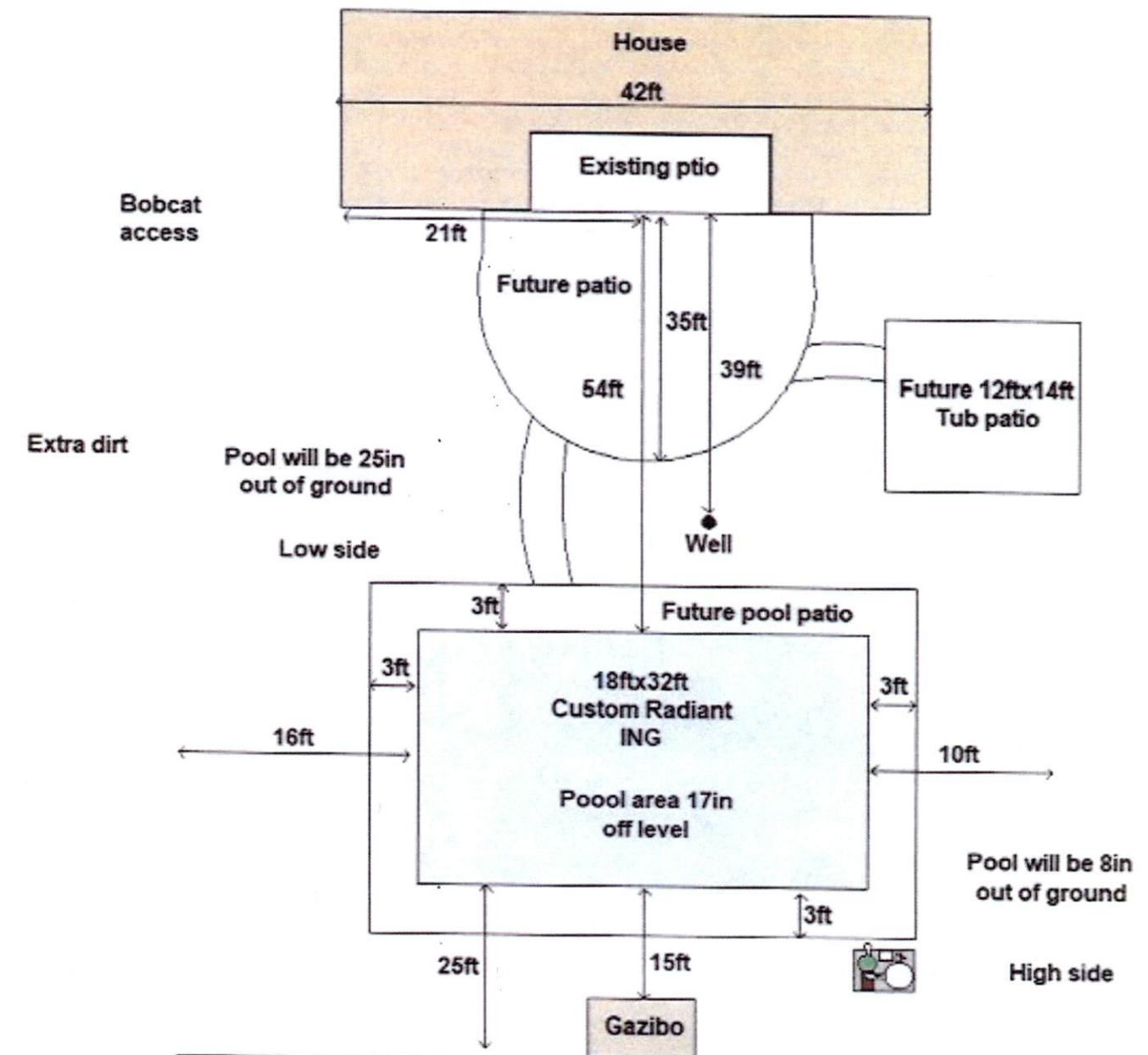
AREAWAY

SUNROOM

W/W

AREAWAY

3 CAR

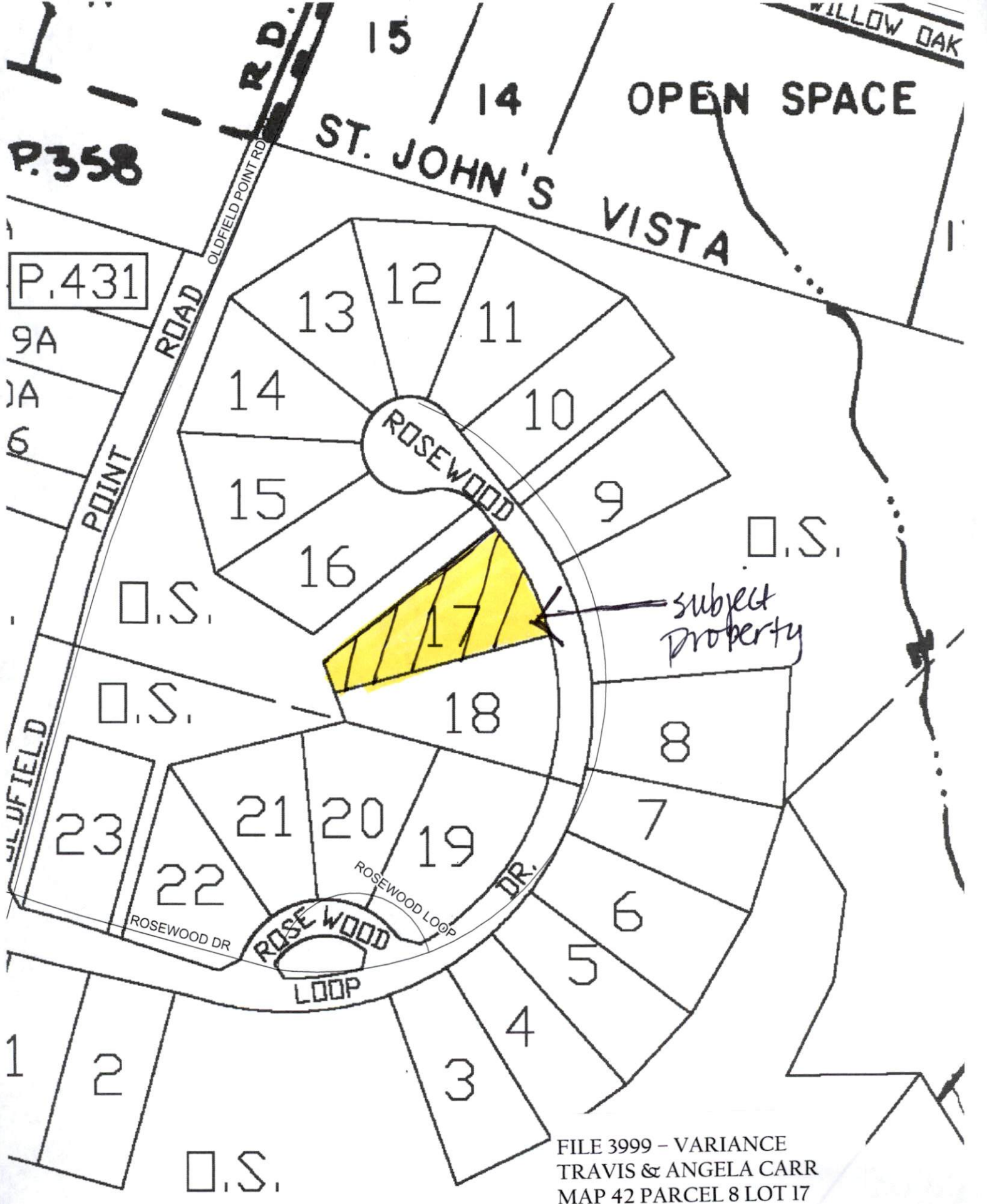


* Please allow up to 2 weeks for install
 * Someone who can make decisions is required to be home during install.
 *Yard will be left in rough grade condition.
Customer Responsible for: Ensuring that all water drains
away from pool area at all times. 2. Any landscaping, raking, seeding,
 damage to yard and removal of any excess dirt and debris. 3. All electric
 and fencing required for pool.
 Customer Signature = _____

Well 15ft
 Septic front
 Yes Plot Plan
 Cecil Cnty.

Drawing #1

Van Dorn Pools and Spas Shrewsbury, PA Reisterstown, MD Kingsville, MD	Phone: (800) VAN-SWIM 3/31/2020	Designed for: Carr, Travis- Marty 80 Rosewood Dr. Elkton, MD 21921 845-893-5975
---------------------------------------------------------------------------------	------------------------------------	---------------------------------------------------------------------------------------------



FILE 3999 - VARIANCE
TRAVIS & ANGELA CARR
MAP 42 PARCEL 8 LOT 17