

IN THE MATTER OF

\*

BEFORE THE CECIL COUNTY

THE APPLICATION OF

\*

BOARD OF APPEALS

ROBERT V. JONES

\*

CASE NO.: 4023

\*

(Special Exception – NAR)

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\* \* \* \* \*

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Robert V. Jones, representing Randall Strock (the “Applicant”). The Applicant seeks a special exception in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to operate a home occupation at the property located at 76 & 80 Old Hilltop Road, Conowingo, MD 21918, consisting of approximately 5.11 acres and designated as Parcels 312 and 332 respectively, Block 5 on Tax Map 16 in the Sixth Election District of Cecil County (the “Property”), in an area zoned Northern Agricultural Residential (“NAR”) in accordance with Article V, Part III, Section 79 of the Ordinance.

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 79 of the Ordinance provides:

Home occupations may be permitted as a Special Exception in the NAR zone provided that:

1. Home occupations are conducted on the same property as the residence and do not change the residential character of the property;

2. No type of advertisement for the home occupation shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size;

3. No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises;

4. Parking is provided in accordance with Article XIV; and

5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

Applicant appeared and testified via teleconference (due to Governor Hogan's COVID-19 Pandemic Stay At Home order of March 30, 2020) that his client seeks a special exception to operate a design and manufacturing facility where he will design and assemble odor removal filters for sewage pumping stations. Applicant testified that the home occupation would not change the residential character of the Property and all activities will be conducted indoors. No equipment or process will be used that would create any detectable activity from outside. Six to eight units would be built on the Property per year, and in the last five years, only one potential purchaser came to the Property to see the finished product. Applicant testified that he has received no complaints from neighbors related to the business. He also provided several photographs with his application showing the size and components of the unit once assembled.

Thomas and Dorothy Short, adjoining neighbors to the Property, submitted a letter in support of the Application. The letter was included as written testimony at the hearing held August 25, 2020 ("Hearing"). It stated, "We [the Shorts] have spoken at length with Randall Strock of his plans and have no objections to what he is proposing to do with the properties." The letter was signed by both Thomas and Dorothy Short.

Verman and Tracy Wyant, another neighbor to the Property, submitted an email to the Cecil County Planning and Zoning Administration in support of the Application stating, "At no time has Mr. Strock's business affected our property or the traffic flow to and from our property."

Adjoining neighbor, Randy Crouse, spoke in opposition of the application. Crouse contends that traffic to and from the applicant's Property will destroy the shared driveway, which has already seen deterioration from delivery trucks and commercial vehicles. Crouse also shared concerns about possible hazardous material and waste. Applicant responded that the operation produces no fumes and there is no more traffic than that of a purely residential use since there are very rarely clients visiting the Property and no employees of the business.

Bryan Lightner, Zoning Administrator, testified that the Division of Planning and Zoning Staff and the Planning Commission recommended approval of the special exception for two years.

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 as the Applicant testified in sufficient detail the location of the operation would be limited to indoors and there are no fumes or hazardous materials that would affect neighboring properties.

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, nor will the proposed use materially increase traffic to or from the Property. As previously stated, the operation will be run during solely within the confines of the home and would not be detectable from outside.

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

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. There will be little to no traffic related to the home occupation as previously stated herein.

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

Further, the Board makes the following findings pursuant to Section 79.

1. That the proposed use is on a property in an area suitable to the use.

2. The home occupation will be conducted on the same property as the residence and does not change the residential character of the property.

3. There will be no advertisement for the home occupation carried out on the Property.

4. There will be no goods for sale or rent stored on the property that can be seen from off the premises.

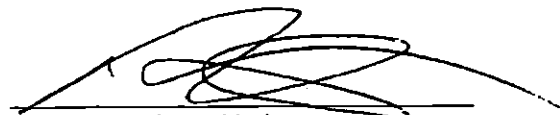
5. Parking will be provided in accordance with Article XIV. Relatively no business-related parking will be required as the primary business operations will be focused on design and assembly, not sales/distribution.

6. There will be no equipment or processes used which create noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311 and Article V, Part III, Section 79, of the Ordinance have been met and the application for the special exception for a home occupation on the Property is therefore **APPROVED FOR TWO YEARS**.

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

9/29/2020  
Date

  
Mark Saunders, Chairman

**BOARD OF APPEALS APPLICATION**  
**CECIL COUNTY, MARYLAND**

MEET. MONTH: Aug 2020  
 FILE NO. 4023



THIS REQUEST IS FOR:  
 SPECIAL EXCEPTION RENEWAL   
 SPECIAL EXCEPTION   
 VARIANCE   
 APPEAL

DATE FILED: 7/14/2020  
 AMOUNT PD: 2500  
 ACCEPTED BY: [Signature]

**A. APPLICANT INFORMATION**

ROBERT VALLIANT JONES  
 APPLICANT NAME - PLEASE PRINT CLEARLY

|  |        |       |                              |
|--|--------|-------|------------------------------|
| 157 East Main Street                         | Elkton | MD    | 21921                        |
| ADDRESS                                      | CITY   | STATE | ZIP CODE                     |
| <u>Robert V Jones</u><br>APPLICANT SIGNATURE |        |       | 410-398-1918<br>PHONE NUMBER |

**B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN**

RANDALL L. STROCK & SUSAN J. STROCK  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

|   |                        |       |                              |
|---|------------------------|-------|------------------------------|
| 76 Old Hilltop Road   | Conowingo              | MD    | 21918                        |
| ADDRESS   | CITY                   | STATE | ZIP CODE                     |
| <u>[Signature]</u> 443-807-0443<br>PROPERTY OWNER SIGNATURE - ALL PROPERTY OWNERS MUST SIGN | <u>Susan J. Strock</u> |       | 443-807-0751<br>PHONE NUMBER |
| <u>RANDALL STROCK</u>   | <u>SUSAN STROCK</u>    |       |                              |

**C. PROPERTY INFORMATION**

|   |                |              |
|---|----------------|--------------|
| 76 & 80 Old Hilltop Road, Conowingo, MD 21918 | 6              | 016111       |
| PROPERTY ADDRESS                              | ELECTION DIST. | ACCT. NUMBER |
| 16  | 5              | 312 & 332    |
| TAX MAP #                                     | BLOCK          | PARCEL       |
|   |                | LOT #        |
|   |                | #ACRES       |
|   |                | ZONE         |

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

Mr. Strock is applying for a home occupation under Section 79 of the Zoning Ordinance. The home occupation consists of designing and assembling odor removal filters for sewage pumping stations. The home occupation does not change the residential character of the property and all activities are conducted inside. No equipment or process is used which creates any detectable activity outside the building.

**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, Section 79 Art. V, Pt. III, S. 79

**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? 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: \_\_\_\_\_

# Untitled Map

Write a description for your map.

## Legend

 76 Old Hilltop Rd

Google Earth

© 2020 Google



300 ft



76 Old Hilltop Rd

Old Hilltop Rd





P.398

P.374

P.290

M.S.#3150

P.

535

P. 312

P. 532

P. 313

P.332

P.8

*Subject Properties*

P.521

P. 140

P.305

P.306

191

MCCAULEY RD

P.322

P.310

P.311

P.122

P.308

P.515

1105/75

P. 232

P.187

FILE 4023 - SPEC.  
EXCEPTION  
ROBERT V. JONES  
MAP 16 PARCELS 312 & 332

OLD HILLTOP RD