

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
RUSSELL AND AMY KEYSER	*	CASE NO.: 4038
	*	
(Variance – RR)	*	
	*	
* * * * *		

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Russell and Amy Keyser (“Applicants”) for a variance to the front yard setback requirements. The subject property located at 427 McKinneytown Rd., North East, MD, 21901, being designated as Parcel 604, Lot 1 on Tax Map 736, in the Fifth Election District of Cecil County (“Property”), in an area presently zoned Rural Residential (RR). 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 October 27, 2020, Applicants appeared and testified via teleconference (due to Governor Hogan's COVID-19 Pandemic Stay At Home order of March 30, 2020) in support of their application seeking a forty (40) foot front yard setback variance for construction purposes to build a detached garage without having to cut down several trees that currently serve as a buffer between the subject Property and neighboring properties. Applicants testified that their property is L-shaped (a diagram submitted with the application supports this statement), creating the need for the variance in order to construct a garage on the property without significant tree removal.

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, 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. As stated in testimony, shape of the parcel and the presence of trees along one side of the Property create the special condition preventing the construction of a garage, which other residence in the same zone enjoy.

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. Most other properties in the zone have garages similar to the proposed construction.

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.

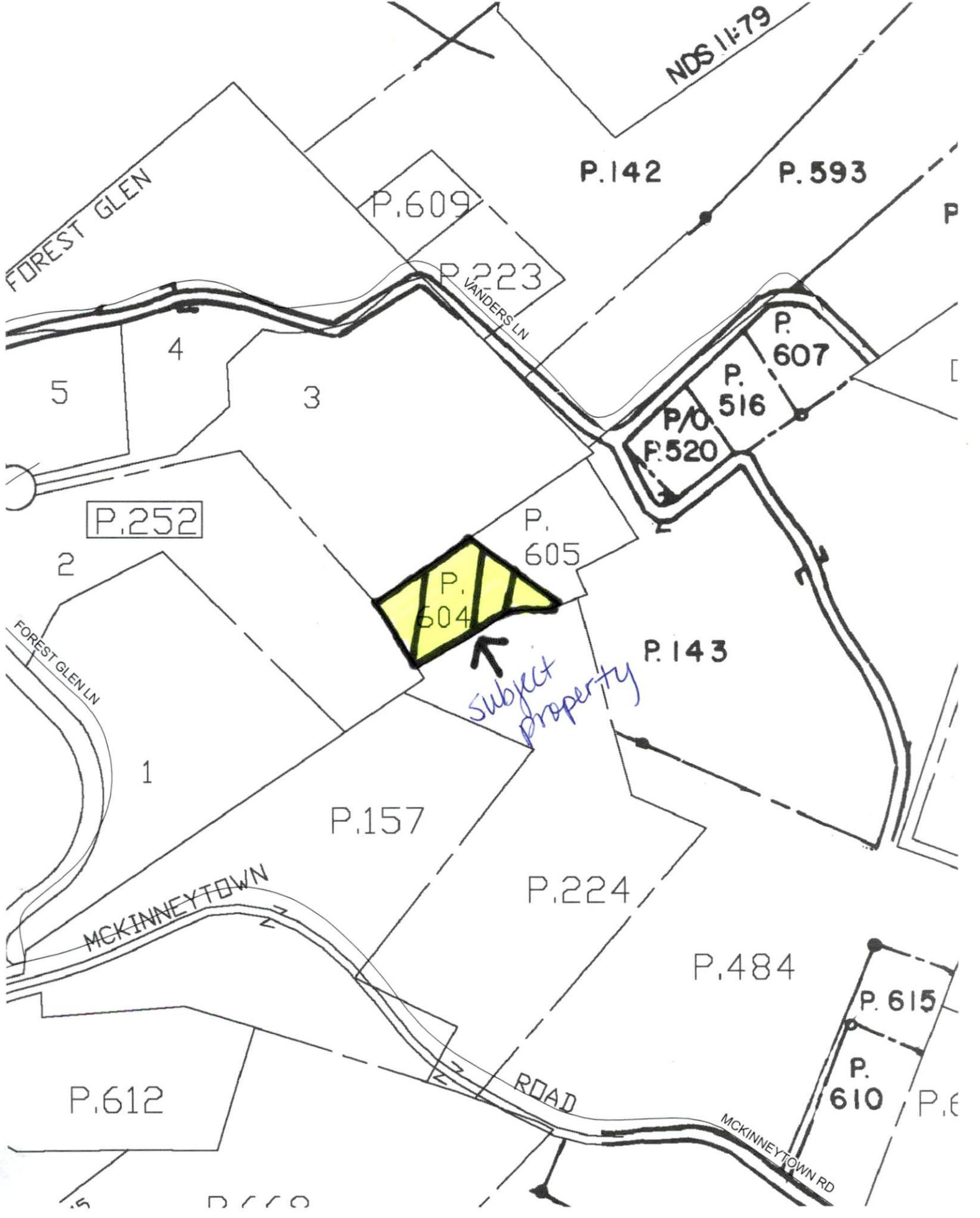
For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **GRANTED**.

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

11/24/2020  
Date

  
Mark Saunders, Chairperson





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