

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
STEPHEN BEILER	*	CASE NO.: 4063
	*	
(Special Exception – RR)	*	

* * * * *

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Stephen Beiler (the “Applicant”). The Applicant seeks a special exception renewal in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to place a double wide manufactured home for agricultural help at the property he owns located at 2664 Tome Hwy, Colora, MD, consisting of approximately 22.973 acres and designated as Parcel 565, Block 22 on Tax Map 10 in the Sixth Election District of Cecil County (the “Property”), in an area zoned Rural Residential (“RR”) in accordance with Article V, Part III, Section 71 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.

Applicant appeared and testified via Zoom teleconference, due the COVID-19 pandemic restrictions for social distancing, that he is seeking a special exception renewal to maintain a double wide manufactured home on Property to house hired agricultural help. Applicant testified that he is unable to conduct the work needed on the 22 acre parcel by himself.

No further witnesses testified in favor of or in opposition to the application.

Bryan Lightner, Zoning Administrator, testified that the Division of Planning and Zoning Staff and the Planning Commission recommended approval for as long as the applicant owns the property, the need for the DWMH exists and all Health Department requirements are met.

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. There is no detrimental or dangerous nature to the maintaining of the manufactured home on the Property or the housing of tenants in such home.

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. The applicant nor the County have received any complaints from neighbors or the community to the contrary.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use. For the reasons stated in numbers 1 and 2 above, the Board finds there will be no likely disturbance to the surrounding properties.

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.

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 is plenty of off-street parking and access to and from the manufactured home so as to not impact public roadways.

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

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311 of the Ordinance have been met and the application for the special exception for placement of a mobile home for agricultural help on the Property is therefore **APPROVED FOR AS LONG AS THE APPLICANT OWNS THE PROPERTY, THE NEED FOR THE DWMH EXISTS AND ALL HEALTH DEPARTMENT REQUIREMENTS ARE MET.**

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

Date

4/27/2024

Mark Saunders, Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: March 2021
 FILE NO. 4063

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
 SPECIAL EXCEPTION
 VARIANCE
 APPEAL



DATE FILED: 2/16/21
 AMOUNT PD: \$250
 ACCEPTED BY: JB

A. APPLICANT INFORMATION

Stephen Beiler
 APPLICANT NAME - PLEASE PRINT CLEARLY

2664 Tome Hwy Colora MD 21917
 ADDRESS CITY STATE ZIP CODE

Stephen Beiler 610-592-4522
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Stephen + Rachel Beiler
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

2664 Tome Hwy Colora MD 21917
 ADDRESS CITY STATE ZIP CODE

Stephen Beiler Rachel Beiler 610-592-4522
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

2664 Tome Hwy 06 012213
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

0010 22 0565 22.973 RR
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

To Apply for a Special Exception Renewal
To keep the Doublewide Manufactured home on the property
as long as needed on the property.
A SPECIAL EXCEPTION TO PLACE A DOUBLE WIDE MANUFACTURED HOME FOR AGRICULTURAL HELP.

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: ART. V, PT. III, S. 71 / ART. XVII, PT. II, S. 311

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 3699

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: _____

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P.144

P.695

P. 340

P. 764

P. 714

P.427

P.326

P.215

P.423

1

1105/51

WYATT, LNP.513



COLONIAL

P.411

P.540

P.601

P.25

P.672

JACOB TOME MEMORIAL HWY

P.518

P.448

Subject property

P.565

P.5

P.91

P.413

P.430

P.537

THRUWAY DRG

P.414

P.511

1081/1007

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P.

P.597

P.593

P.507

P.502

P.616

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P.504

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P.386

767/377-378

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FILE 4063 - SP. EX. RENEWAL
STEPHEN BEILER
MAP 10 PARCEL 565

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P/O

P.527

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